



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fifty-second session

Summary record of the 1041st meeting

Held at Headquarters, New York, on Tuesday, 10 July 2012, at 10 a.m.

Chair: Ms. Pimentel

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The meeting was called to order at 10.15 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined seventh and eighth periodic reports of Guyana (CEDAW/C/GUY/7-8)

1. *At the invitation of the Chair, the members of the delegation took places at the Committee table.*

2. **Ms. Webster** (Guyana), introducing the combined seventh and eighth periodic reports of Guyana (CEDAW/C/GUY/7-8), said that her Government was committed to the advancement of women's rights and equality and was considering accession to the Optional Protocol of the Convention. Reviewing the geographic, climatic and demographic features of the country and its economic development, she said that during the ongoing global financial crisis, the Government had taken steps to mitigate its impact on the most vulnerable, including women. It's pro-poor, pro-growth approach had helped significantly reduce poverty by providing access to improved services and creating an environment that fostered investment, expansion, and a diversified economy. Guyana was now ranked as one of the Latin American and Caribbean countries with a very low level of inequality. The Government had invested over 25 per cent of its budget in the social sector in areas such as education, health, housing, and access to water, which were of particular importance for women and children, giving them security and pride, and allowing them to focus on self-improvement and education. Notable achievements had been made in gender equality and education and in infant and child mortality. As part of an action plan being drafted to accelerate its progress towards the Millennium Development Goals, the Government would, however, continue addressing key challenges that remained in the area of maternal health; and hoped, with donor assistance, to go on making progress on combating communicable diseases that affected women and children in particular, including the prevention of mother-to-child transmission of HIV/AIDS.

3. Between 2001 and 2011, Parliament had enacted 140 laws bringing Guyana more into line with its human rights treaty obligations and creating a more modern regulatory framework. The legislative reform included laws on children's rights and protection, sexual offences, and the rights of persons with

disabilities, and had had a favourable impact on women and children. Access to land by Amerindian communities had been increased, and equal access to primary and secondary education for Amerindian children had been achieved. Unfortunately, the current opposition legislature was taking positions that might compromise Guyana's nascent democracy and economic stability.

4. As indicated in the Government's Millennium Development Goal Progress Report 2011, Guyana had made particular advances in achieving gender equality, guaranteed under the revised 2003 constitution. Gender disparity in primary and secondary education had been eliminated, and efforts were under way to achieve parity at the tertiary level. In fact, the enrolment of females was higher than that of males at both secondary and tertiary levels, and male absenteeism and underperformance, which contributed to domestic and sexual violence, now had to be addressed. More employment opportunities in non-agricultural fields and greater involvement of women in the economy were particular targets for improvement, with a focus on women's access to affordable housing and property ownership to micro-credit and entrepreneurial opportunities, and to equal pay for equal work, without workplace discrimination. Women's participation in political life had increased after 2001 legislation requiring one third of the candidates for election to be women. Guyana was now ranked 25th out of 189 countries for the highest proportion of women in Parliament by the Inter-Parliamentary Union. While there was room for increased participation of women on management boards and service commissions, and in the labor movement and the business sector, the public service sector comprised a higher percentage of women than men in senior positions, and women held one third of all positions in the Cabinet. Under the umbrella of the constitutional Human Rights Commission, the Government had appointed four commissions dealing with women and gender equality, the rights of the child, indigenous peoples, and ethnic relations. The Women and Gender Equality Commission, operating on an annual budget and guarding vigilantly against discrimination, investigated complaints and called for redress, though its main focus this far had been to raise awareness of gender issues and of the Commission itself. It reported directly to the National Assembly and had submitted its first annual report in 2011.

5. A second major focus of the Government was to combat domestic and sexual violence, with the broad involvement of forces in the society. The 2010 Sexual Offences Act offered a framework for dealing with gender-based violence, and would soon be amended to improve its implementation in the courts. Faith-based organizations and religious leaders had been included in awareness-raising and training programmes, and a Men's Affairs Bureau within the Ministry of Human Services and Social Security had been established in 2011 to advocate against domestic and sexual violence, provide counselling, and work with male victims of abuse, supported by a number of non-governmental organizations that had emerged to reach out to men at the community level. The Ministry of Human Services and Social Security had just launched a national conversation on domestic violence with a view to formulating a new national action plan for the eradication and prevention of domestic violence, and devising a domestic violence communication strategy and monitoring and evaluation framework. Awareness-raising had been successful: hospitals had established domestic response areas, a hotline had been established, guidelines had been developed for the police, health practitioners, social workers and the judiciary, and counsellors and psychologists were being trained and recruited. Once the Family Court became operational in late 2012, it would accelerate the judicial process.

6. Women with disabilities were a third area of special concern. The Government was giving priority to implementing the 2010 Persons with Disabilities act, thus also bringing Guyana in line with the Convention prior to its ratification of the Convention on the Rights of Persons with Disabilities. There was no constitutional or legislative impediment to the participation of persons with disabilities in political or public life, and special arrangements facilitated their voting. There were also other special assistance programmes and services for the elderly or the infirm, and increased pension benefits.

7. A fourth area to be highlighted was trafficking in persons. A National Plan of Action to Combat Trafficking in Persons aimed at prevention, awareness-raising, assistance to victims and criminal justice response. A national referral mechanism and an inter-agency protocol strengthened the capacity of law enforcement agencies to investigate, prosecute and convict traffickers. Guyana had made progress in

prosecuting traffickers, and an inter-ministerial task force was following the issue. It was, however, the Government's view that trafficking in persons could be eliminated only by reducing vulnerabilities stemming from poverty and other factors, through programmes to educate women and girls, especially in the hinterland, to provide economic assistance to single mothers and to provide young people with skills.

8. A final cross-cutting area of concern was the availability of accurate statistical information. Guyana had taken steps to improve its data collection through the use of the new media. A five-year action plan to strengthen data monitoring and evaluation systems had begun in 2011, targeting the health and education sectors first, with the social services and housing sectors to follow. Information and communications technology was becoming pervasive in society and the Government was investing in improving the infrastructure to support increased use and to equalize access to technologies nationwide. Its aim was to provide one laptop per family, and employ modern technology for educational television programming and distance education.

9. While there were a number of challenges remaining for the country, among them ingrained prejudices and cultural barriers, the Government was committed to honoring its obligations under the Convention.

Articles 1 to 3

10. **Ms. Patten** asked what had been done by the Judicial Service Commission and others to ensure that the judiciary applied international human rights standards and invoked human rights treaties in judgments, especially in the light of article 154(A)(1) of the Constitution guaranteeing individual rights. She also would like to know how laws enacted prior to 2009 were implemented and monitored; how awareness-raising campaigns reached indigenous communities; what training was provided for judicial and law enforcement officials; and how women's actual access to justice was ensured.

11. Outside sources had indicated that members of the Women and Gender Equality Commission lacked gender expertise, and she therefore wondered what importance the National Assembly attached to the Commission's visibility and its human and financial resources. It would be interesting to have data from the

Commission's 2011 report on the number of complaints it had received and any investigation it had done. It was not clear if the Commission could sanction acts of discrimination in the public and private sectors, if there was a complaint referral mechanism, and if there had been any progress towards ratification of the Optional Protocol.

12. **Ms. Popescu** said that she would welcome information on how the judicial structure had been strengthened, how people were made aware of the Convention and whether any effort to translate it into indigenous languages had been made. Since only five of the ten regions had legal aid clinics, it was not clear how women were ensured access to legal aid throughout Guyana. Even though the Committee had recommended in its concluding comments on Guyana's third to sixth periodic reports that the Ombudsman mechanism should be strengthened, it was unclear whether the institution functioned at all. Was there a complaint mechanism outside of the Women and Gender Equality Commission, and was there a national human rights institution conforming to the Paris Principles that could address issues of gender equality?

13. **Ms. Awori** asked how the Government intended to make the Convention more effective in Guyana particularly since it had not been invoked in the courts. Also, there had been reports that the justice sector reform programme was not being implemented, especially in the case of the Summary Jurisdiction (Lay Magistrate) Act No. 25 of 2009 and The Criminal Law Procedure (Amendment) Act No. 17 of 2008, that the time limits for judicial decisions were impossible to meet, and that the reforms were having no impact on women, purportedly for lack of the necessary technology and personnel.

14. **Ms. Manickchand** (Guyana) said that, in order to ensure implementation, the Government had incorporated the Convention and its human rights protections in article 154(A)(1) of the Constitution. Laws relating to rights under the Convention were always reviewed for compliance with it before they were adopted or amended. Thus, when the judiciary invoked one of those laws, it was invoking the Convention and direct invocation was unnecessary. Indeed, a recent case involving marital rape — not previously a criminal offence — had been prosecuted only because the legislation now incorporated the Convention.

15. It was clear that the adoption of legislation alone did not change a society, though it did represent the beginning of a change in attitudes. The Government had made efforts to train law enforcement officials and the judiciary in the new legal developments, and most laws adopted by Parliament, usually after national consultations with communities and NGOs, were widely publicized. Difficulties arose in the implementation phase, owing to cultural norms that resisted change. It was challenging to convince women, for instance, to prosecute their partners, and impossible to implement the Sexual Offences Bill without a witness.

16. Regarding women's access to justice, legal aid clinics in Georgetown had been run by an NGO since 1993; since 2008, it had been covering six of the country's ten regions, with a legal aid clinic traveling to four of them when needed. The Ministry of Legal Affairs and the Attorney General Chambers were providing the services of paralegals in the hinterland to supplement legal aid services. The six regions also had Magistrates' Courts, which operated daily in some of them, and in others weekly or quarterly. Even where resources did not allow for the establishment of permanent courts, they were still able to process charges of human rights violations, and the cases were handled in the capital or in the High Court.

17. The justice sector reform programme was functioning. Much of it focused on strengthening infrastructure, including research libraries that gave lawyers access to the information they needed to represent their clients. Funds were also provided for transportation to nearby courts so that applicants could be served in their own communities without traveling to the capital. Such improvements had had an impact on everyone, including women. She asked the Committee to reserve judgement on the programme until it had run its course.

18. The Time Limit on Judicial Decisions Act No. 9 of 2009 had set deadlines deemed not unreasonable by the judges consulted before its adoption. The legislation addressed a particular obstacle to justice: the frequent inordinate delays by judges in issuing their decisions, which had harmed women in particular. It was true that for lack of government funds judges did not have legal staff to assist them, which sometimes made it difficult to meet the time limit. Yet that did not mean that the country could not strive for improvement.

19. **Ms. Webster** (Guyana) said that the Magistrates' Courts had indeed not yet implemented the speedier legal procedure, but would soon do so. The procedure was, however, already in place for cases heard under the Sexual Offences Act, and had made it possible to settle them in as few as eight days rather than eight years.

20. **Ms. Manickchand** (Guyana) said that the National Assembly had appointed members to the five human rights commissions established by article 212 of the Constitution, as set out in the report (CEDAW/C/GUY/7-8, para. 66 (ii)). Chairs of all commissions sat on the umbrella mechanism, the Human Rights Commission, in which the Constitution stipulated broad participation, including by representatives of labour and of religious communities. She would provide the Committee with the text of that constitutional provision. It was important to note, however, that for the first time in Guyana's history, the opposition was in the majority in the legislature, which explained why the Ethnic Relations Commission was not yet operating and the Human Rights Commission was awaiting appointment of the chair. The Government had nonetheless made a commitment to appointing an Ombudsman soon.

21. The Women and Gender Equality Commission was funded from the national budget annually, within the constraints of a developing country. The Commission did have the authority to refer complaints, but it was still in the process of establishing its procedures. Citizens could refer matters to the Director of Public Prosecutions, as could the Commission.

22. **Ms. Schulz** expressed concern about the consistency of Guyana's protection of the rights of lesbian, bisexual and transgender women. Article 149 (2) of the Constitution did not, for instance, include them in its exhaustive list of protected categories; and the Committee had received information that there was in fact widespread discrimination against them in both the public and the private sectors. She wondered whether article 149 (2) could be interpreted to include them, and also whether Guyana intended to modify its Constitution to include the prohibition of discrimination on the basis of sexual orientation and gender identity. It would be interesting to know if a time frame had been set for repealing all laws that were discriminatory against lesbian, bisexual and transgender women, any steps taken to raise awareness of the issue among the police, judges, social service

providers, teachers and school administrators. A good place to begin could be to modify the school curricula in order to create a climate that protected the rights of women with such sexual orientations.

23. **Ms. Šimonović** said that it was not clear if the Convention was directly applicable in Guyana owing to the limitations on article 154(A)(1) under the amended Constitution. She wondered whether the legislature had ever actually restricted implementation of specific provisions of international treaties, in particular the Convention.

24. **Ms. Zou Xiaogiao** asked for clarification as to which national body was responsible for the implementation of the Convention and how the Ministry of Human Services and Social Security coordinated with the Women and Gender Equality Commission.

25. **Ms. Popescu** asked again how the Convention had been disseminated and whether it had been translated; whether the Ombudsman's office was functioning and, if so, how it had been strengthened, in respect of women's rights; and how many complaints had been heard by the Women and Gender Equality Commission.

26. **Ms. Patten** said that she would like to hear about progress towards ratifying the Optional Protocol; if legal aid was state- or NGO-run; if judges referred directly to the Convention in their interpretation of laws compliant with it, and whether they were familiar also with the Committee's general recommendations; and what kind of training the Government offered to the judiciary, lawyers and other law enforcement officers.

27. **The Chair**, speaking in her capacity as an expert, asked if courses covering the incorporation of international human rights law into national law were offered by the Faculty of Law or elsewhere.

28. **Ms. Webster** (Guyana) reiterated that the President would shortly be appointing an Ombudsman to the post. The Women and Gender Equality Commission was two years old and as yet was still developing the procedures for forwarding actionable complaints to the proper authorities. In the meantime, however, the Commission had already alerted her as Minister of Human Services and Social Security to certain individual problems that needed action. The Convention was publicized through posters, brochures

and local laws that drew attention to particular articles. Though there had not been a recent, large-scale awareness-raising campaign on the Convention itself, the public was regularly informed about national provisions in line with the Convention. The Government funded the Guyana Legal Aid Clinic, the NGO that handled legal aid.

29. The Convention had been incorporated into the Constitution and therefore judges should know about it; the many female judges and magistrates certainly did. While the Convention was part of more general training, there had been no concentration on it alone. Guyana's Chancellor of the Judiciary, Justice Bernard — the first woman to hold such a post in the Caribbean and a former member of the Committee itself — had, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), hosted a seminar for judges and magistrates on gender and domestic violence. Given its constitutional status, every public official was charged with implementation of the Convention. In practical terms, implementation was driven by the Women's Affairs Bureau in the Ministry of Human Services and Social Security, which produced publicity materials, organized seminars and workshops, and was working well with the Women and Gender Equality Commission thus far.

30. The National Assembly had indeed set two limitations to all international treaties when the Constitution had been amended namely, that the Government would implement them to the extent that resources and the socio-cultural environment of the country allowed. There was good reason for the exceptions. For example, while the Convention stipulated that every girl child was entitled to an education — an ideal the Guyana did not dispute — it would not have been possible for Guyana at the time it was signed to provide that immediately for every girl child. Still, over time poverty had been reduced by 35 per cent, and where there had been one hinterland school in 1992 there were now 13. It was truly a balancing act between financial resources and — the second consideration — how much the people of the country would allow. While, for example, there was not widespread discrimination against lesbian, bisexual or transgender women by public officials, the population did not yet readily welcome them. The Government was in consultation with other United Nations bodies to address the decriminalization of such sexual

activities and was discussing how to influence people's thinking on that and other issues, including corporal and capital punishment. Currently article 149 (2) of the Constitution was in fact exhaustive and did not include discrimination against persons based on sexual orientation; amending the text to prohibit such discrimination explicitly require the consent of the people of the country.

31. The Faculty of Law at the University of Guyana did not offer a specialization in international human rights law, although human rights were touched on in the private and public international law courses. A two-year post-degree course, equivalent to bar exam studies and offered by the Regional Faculty of Law in either Jamaica or Trinidad, was required for the practice of law in Guyana, but Guyana had no input into the curriculum. She agreed, however, that international human rights law should be offered in Guyana as well, and also that human rights should be taught at the university level.

Articles 4 to 6

32. **Ms. Ameline** asked for more details about training in gender equality and human rights for law enforcement officers, about gender mainstreaming in the implementation of public policy and about gender-specific data collection and analysis to help formulate policy. She also wondered whether the international aid partnerships that had been important to Guyana's progress would continue to sustain its development. Lastly, she would appreciate more information about electoral reform at the local level, which was the level at which women most readily participated in politics.

33. **Ms. Awori** said that the commendable anti-poverty programmes detailed in paragraph 119 of the reports could not be considered temporary special measures for women. She would like to know about temporary special measures intended specifically for women in fields such as education — especially for girls in rural areas — health or politics.

34. **Ms. Gabr** said that stereotyping of women persisted in Guyana and she wondered whether the Government fully understood how mass media could be used to combat stereotypes. She would like information about inter-agency coordination among gender equality and human rights mechanisms to better assess the country's ability to achieve the Millennium Development Goals; whether there was a national plan

of action to ensure gender equality; which agency was charged with implementing the national strategy to combat domestic violence and violence against women and which body ensured adequate resources. It would also be interesting to hear more about how the Government was implementing the Trafficking in Persons Act of 2005 and its National Plan of Action to Combat Trafficking in Persons; and whether it emphasized trafficking in its other national plans, gave training in the matter to those working in the administration of justice, and was studying the root causes of the problem.

35. **Ms. Webster** (Guyana) said that the Government allocated 25 per cent of its budget to social services, with incremental annual increases for programmes for women and children. While it had benefited from donor support for such programmes, there had been a reduction in international aid owing to the global financial crisis. The Government was however, committed to finding alternative means to ensure the continuation of women's programmes. Although the Government itself was not currently doing so, it intended to move in the direction of budgetary gender-mainstreaming. Every effort was being made to compile statistics in such a way as to identify action needed for the advancement of women. While much was still being done manually, records were slowly being digitized and as the country's technological capability increased, data collection and disaggregation would become easier. The coming 2012-2013 census should also prove to be a good source of data.

36. Regarding temporary special measures for women, the Single Parent Assistance programme targeted primarily women, aided by the single parent register that helped to ascertain their needs. The Women of Worth project was giving women — 864 of them as of 2011 — access to micro-loans to encourage their participation in economic activity. The public assistance programme targeted vulnerable groups, including women, children and those with disabilities; the Government reviewed the payable rates annually and was committed to annual increases. There were also temporary special measures to reach women in the hinterland, administered by the Ministry of Amerindian Affairs.

37. **Ms. Gabr** said that she would like to know how the five constitutional commissions were coordinated. She also wondered about the funding, monitoring and assessment of the national machinery to combat

stereotypes, especially with regard to indigenous women. It was also important to look into internal trafficking in indigenous women and try to combat it. Did the National Plan of Action to Combat Trafficking in Persons include a discussion of poverty as the root cause of trafficking in persons, and had it been updated to include internal trafficking in indigenous women?

38. **Ms. Zou Xiaojiao** asked whether the Ministry of Human Services and Social Security had established a Men's Affairs Bureau to work with male victims of abuse, and if so what its activities had been and what had been the reaction of the men served. She would also like data on the percentage of male victims of domestic abuse and what assistance was provided to them.

39. **Ms. Jahan** said that she would like to know how the Government provided reproductive health services to the women and girls engaged in prostitution, which was illegal in Guyana, how it afforded them legal redress for abuse in the course of an essentially underground activity, and what rehabilitation opportunities were available for women after prostitution. She wondered whether there had been targeted intervention to create employment opportunities for girls and women so they would not be forced into prostitution.

40. **Ms. Webster** (Guyana) said that there was legislation in place to combat trafficking in persons; and a ministerial task force comprising the Ministries of Amerindian Affairs, Home Affairs, Legal Affairs, and Human Services and Social Security addressed issues of victim support. There was already financial and other support for them and their families. The main goal was to reduce vulnerability stemming from poverty, and programmes like the school uniform voucher system and the Single Parent Assistance programme aimed to create equal opportunities and increase access to services. Guyana had conducted intensive public awareness campaigns about trafficking across the country. Training workshops were assisting communities to identify victims of trafficking, and there was a victim protection programme. The sanctions under the 2005 Trafficking in Persons Act were very stringent. It was significant that only a small percentage of prostitution was linked to human trafficking.

41. The Women's Affairs Bureau worked diligently to implement programmes and policies in line with the

Convention. It received funding based on the annual budget of the Ministry of Human Services and Social Security and the budget for women's programmes had been increased in the past few years. On the question of inter-agency coordination, the Constitution stipulated that the chairs of all constitutional commissions must serve on the Human Rights Commission; the chair of that Commission would be appointed soon, at which time there would be a collaborative mechanism in place, for, although the Women and Gender Commission was still establishing its procedures, the other commissions were in the meantime carrying out their individual mandates.

42. **Ms. Manickchand** (Guyana) said that women's human rights bodies, NGOs, religious bodies, civil society organizations and the Government in Guyana had long been united on women's issues. Disagreements arose in respect of pace, resource distribution and priorities. Unfortunately, parliamentary opposition had recently cut the budget of the Ethnic Relations Commission in 2012, sending home all its staff, 90 per cent of whom were women.

43. The Men's Affairs Bureau had come into being after the "Stamp it out" campaign, during which men complained that they were not being heard. There were not yet official statistics on the number of male victims of domestic violence, but while there were perhaps more than presumed, there were far more women victims than men.

44. The Ministry of Health had met with all prostitutes to discuss reproductive health and had programmes to empower women who might be engaged in prostitution owing to circumstances rather than choice. The programmes focused on economic opportunities, but there had not yet been a great deal of progress.

The meeting rose at 1 p.m.