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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-eighth session

SUMMARY RECORD OF THE 1747th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 2 March 2006, at 3 p.m.

Chairman: Mr. de GOUTTES

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Initial to fourteenth periodic reports of Guyana (CERD/C/472/Add.1; HRI/CORE/1/Add.61)

1. At the invitation of the Chairman, the members of the delegation of Guyana took places at the Committee table.
2. Ms. SHADDICK (Guyana) apologized for the delay in submitting her Government's report, and expressed its gratitude to OHCHR and the Committee for their understanding. As a small developing country, Guyana faced social, political, economic and other challenges associated with its colonial past, but was determined to overcome all obstacles.
3. She took the opportunity to present the new statistics published since the submission of the report in 2004. The most recent census taken in 2002 showed that the Indo-Guyanese population had decreased from 48 per cent to 43 per cent, while that of Afro-Guyanese had dropped from 32.7 per cent to 30.2 per cent. On the other hand, the Amerindian population had increased from 6.3 per cent to 9.2 per cent and the mixed race category had grown from 12.2 per cent to 16.7 per cent.
4. With regard to religious affiliation, the largest Christian group was the Pentecostals, at 17 per cent, while Hindus comprised a third of the total population. The Jehovah's Witness, Seventh-Day Adventist and Rastafarian communities had grown and were now identified as separate categories. Baha'is and Rastafarians accounted for 0.1 per cent and 0.5 per cent of the population.
5. She also described the changes in the political structure, with the emergence of new political parties and the coalition of smaller ones. In addition, Guyana had become a State party to the Caribbean Court of Justice, a final court of appeal, with the Guyana Court of Appeal now acting as an intermediate court.
6. Guyana was the only Caribbean country whose Constitution enshrined the rights protected by international conventions, including the major United Nations human rights treaties, and since the Constitution was the supreme law, its citizens were able to petition the High Court directly.
7. The adoption of the Amerindian Act by the National Assembly in February 2006 represented a milestone, completing a three-year process of consultation between the Government, Amerindian communities and other stakeholders in all regions. The Act governed issues such as land rights, good governance, sustainable use and benefit-sharing of natural resources, and the preservation of cultural heritage.
8. In the international sphere, Guyana had formulated a National Plan of Action for Combating Trafficking in Persons, focusing on remedial and preventive aspects. The establishment of a Counter-Trafficking in Persons Unit, which coordinated and monitored all

trafficking initiatives and provided support for the work of all focal-point activities in the regions, was one of several mechanisms that had arisen from the Plan of Action. A number of victims of varying ethnicities had been identified and, to date, eight persons had been charged with offences punishable under the Trafficking in Persons Act of 2005.

9. Constitutional amendments enacted in 2001 envisaged the establishment of several rights commissions on ethnic relations, human rights, women and gender equality, rights of the child and indigenous peoples. In 2003, the National Assembly had appointed the Ethnic Relations Commission (ERC), which was an autonomous body for receiving complaints, and consisted of between 5 and 15 members representing religious, labour, private sector, youth and women's organizations. It was anticipated that once the other four rights commissions had been decided upon by the Parliamentary Appointive Committee, a representative from each of them would also sit on the ERC. There were no constitutional specifications on the racial composition of the ERC membership.

10. Recommendations submitted to the National Assembly by the Disciplined Forces Commission, aimed at the achievement of ethnic balance in the law and security forces, were currently before a select committee and would subsequently be considered by the whole Assembly.

11. There had been a perception that political representation in Guyana was based on racial and ethnic affiliation. However, the results of general elections over recent years had shown that the ruling party, which had formerly been perceived to have its power base in the East Indian community, had gained a higher proportion of votes than the proportion of East Indians in the total population. Although there had always been general allegations of racial discrimination by Government, no specific case had ever been filed. There was, however, a tendency for politicians to exploit racial differences prior to elections. In Guyana all racial groups lived harmoniously, with interracial marriages resulting in an increasingly mixed population. There was absolute religious tolerance, highlighted at the highest level by the President of Guyana, who held consultations with religious organizations on policy formulation. Guyanese culture was a mix of the individual cultures of its various peoples.

12. Her Government was determined to succeed in the implementation of the provisions of the Convention in spite of its constraints. It fully endorsed the plan of action issued by OHCHR, and anxiously awaited the establishment of a unified standing treaty body and the possibility of submitting a single human rights report. She reiterated Guyana's commitment to racial integration and looked forward to the day when the value of human beings would be gauged by their contribution to society and not by the colour of their skin.

13. Ms. RODRIGUES (Guyana), responding to questions raised by the Country Rapporteur, said that the Government welcomed the Committee's interest in the new Amerindian Act and recalled that Amerindians had the same fundamental rights and freedoms as all other citizens of Guyana. They enjoyed equal protection under Guyanese law, and the rights set out in article 5 of the Convention. They were therefore guaranteed freedom from discrimination and slavery, equality before the law, the freedoms of expression, conscience and movement, and the rights to

life, liberty and property. The Amerindian Act created a regime of additional or special rights for Amerindians over and above the rights they already had under national law. The rights granted under the Act applied exclusively to Amerindians and therefore constituted a special measure discriminating in their favour.

14. With regard to the terminology used to describe the indigenous populations, she said the Act established the right of all Amerindians to refer to themselves as indigenous on the basis of the nations to which they belonged. There had been no consensus among all or even the majority of Amerindians for a change from the term “Amerindian” to “indigenous”. The Act catered for all Amerindian communities by giving them the right to decide for themselves. During consultations held with those communities prior to the adoption of the Act, a number of communities had reported that they had been mistakenly informed by Amerindian NGOs that if they did not change their name to “indigenous”, they would not derive benefits under international law. At public hearings, several leaders of those communities had subsequently indicated that they preferred to continue to be referred to as “Amerindian”. The Government was concerned at the position of Amerindian organizations that even some groups among them should not be considered “indigenous”.

15. Her Government therefore rejected any attempt to take away the right of Amerindians and their descendants to be considered indigenous, or to suggest that Amerindians of mixed parentage were inferior. All Guyanese regarded themselves as indigenous to Guyana and the Government believed that NGO attempts to exclude others were racially divisive. The issue of who counted as indigenous to Guyana was rather sensitive, particularly to the descendants of displaced peoples, such as descendants of African slaves who claimed ancestral rights. The Government did not intend to exclude Guyanese of African origin or any other group from exercising their right to be recognized as indigenous. The issue deserved public discussion, with the full participation of all sectors of society, in order to achieve national consensus. The use of the term “indigenous” to exclude other ethnic groups was extremely insensitive and ran the risk of heightening ethnic tension. The Government took its obligation to discourage any move that promoted racial division seriously, and in that regard respectfully requested the Committee to take the ethnic and social conditions of Guyana into account, to consider the views of the Amerindian communities, and to accept that, although Amerindians were certainly indigenous to Guyana and recognized as such, they could not prevent other peoples from being regarded as indigenous.

16. In reply to the query on the lack of consultation with indigenous communities after the first reading of the Amerindian Bill, she said that it had had two readings and three public hearings in 2005, at which written submissions had been admitted. Thirty-two individuals and three organizations had made oral submissions and more than 20 individuals had made written submissions, in addition to the three-year consultation process with Amerindian communities throughout Guyana.

17. Regarding the power of the Minister of Amerindian affairs to veto rules and regulations made by indigenous governing bodies, including the National Toshias Council, she said that the Minister had no such power. The Amerindian Act clearly stated that the Council could determine its own procedure, and had the option to consult with the Minister on procedural rules.

It was also at liberty to establish its own secretariat without the involvement of the Government. She explained the function of the Council in nominating persons to a constitutional commission, advising the Government and village councils, promoting and protecting Amerindian languages and culture, and considering strategic issues relating to the development of Amerindians. At the request of some communities, the Minister of Amerindian Affairs was designated as an *ex officio*, but non-voting, member of the Council, in order to ensure regular dialogue between the Minister and the Tshaos as a collective body.

18. There were no Amerindian governing bodies under the laws of Guyana except the village councils, set up under the previous Amerindian Act. There was historical evidence that Amerindians had accepted the sovereignty and jurisdiction of the Dutch and British colonial Governments, and in some cases had sought the protection of the British Government.

19. The Minister had the power to publicize legislation in the official gazette prior to its enactment, but had no power to veto the rules of the village councils. The rules of the Amerindian councils bound all citizens of Guyana, whether or not they were Amerindian. Since such rules must comply with the overall legal framework, including constitutional protection for the fundamental rights and freedoms of all Guyanese, the Minister did not have the power to gazette rules which conflicted with the Constitution or national law. New legislation had been introduced to empower village councils to set fines and order community service for persons who were in breach of the rules.

20. In explanation of the term limits imposed on the mandate of elected indigenous leaders, she said that Amerindians had the same entitlement as all other Guyanese to be elected to local and national government bodies; they could stand for election to those bodies and serve for as many terms as they wished. However, the office of the President of Guyana was limited to two terms.

21. There had been complaints that some elected Amerindian leaders remained in office for long periods primarily for personal gain and retained their position through intimidation. There had also been concerns about NGOs interfering in elections on behalf of candidates who were members of their organizations. That situation had led to much frustration among young leaders, who lost the motivation to stand for office. Coupled with other administrative concerns, the situation had led to the decision to limit the term of office held by Tshaos to two consecutive three-year terms. They might serve an unlimited number of terms in all, provided that at the end of two terms they did not run for office at the next election. However, that limitation did not prevent them from being elected to the council as deputy Tshao or councillor during the period in which they were not Tshao.

22. She explained the rationale behind the distinction between indigenous communities holding title to their lands and indigenous communities without such title. In cases where Amerindian communities owned land, they possessed certain rights accompanying such ownership. In addition, the Amerindian Act gave those communities certain rights over and above the normal rights of ownership. In the case of communities that did not own land, the Act and the Constitution protected their collective rights to occupy and use the land. The State was entitled to dispose of its resources as it saw fit and in the national interest, provided that it did not interfere with the rights held by Amerindian communities or any other citizens over such lands. The Act also accepted that Amerindians occupying lands might have a right to be recognized as

owners, following certain objective criteria. It was incorrect to state that communities without title fell outside the protection of the Act. All traditional rights were protected and there was a procedure for communities to claim land based on their traditions, customs and spiritual relationship with the land they claimed.

23. The State was entitled to grant private leases of publicly-owned land, thereby extinguishing any Amerindian land usages were incompatible with the grant of the lease. At present, 83 Amerindian communities held land titles; while 22 communities had yet to gain ownership of land. Legislation granted Amerindians traditional rights over State-owned land throughout Guyana, but restrictions applied to land used for multiple purposes. However, such legislation did not mean that leaseholders' rights took priority over Amerindians' rights; rather it was intended to achieve a balance between the two. Land title granted by the State to the Amerindian council gave holders perpetual and unlimited control over their land. Furthermore, village councils were authorized to impose restrictions on access to communal lands; failure to comply with prohibition of access was a criminal offence. Further details on legislation governing Amerindian title were contained in the written replies.

24. Amerindian villages were scattered across the most remote parts of the country; many were accessible by aircraft only and living costs were high. High fuel costs hampered access and service delivery. However, many Amerindian communities opposed the construction of access roads, fearing that negative outside influences might disturb the relative peace they currently enjoyed.

25. The Government had taken a series of measures to improve living conditions for Amerindian populations, sometimes in cooperation with NGOs. The establishment of the Ministry of Amerindian Affairs and the adoption of the new Amerindian Act were part of such efforts. In the field of education, the number of secondary schools in Amerindian areas had been increased from two to nine between 1992 and 2006; enrolment of Amerindian children had increased tenfold over the same period. Since it was not feasible to build a secondary school in each community, the State provided free board and lodging facilities for non-local pupils. Teachers in remote areas were granted special allowances, programmes had been introduced to facilitate the training of Amerindian teachers, and Amerindian students were granted university scholarships.

26. Mr. YUTZIS, Country Rapporteur, said that while he agreed that the assessment of the situation in a given country was often a matter of perception, the international community had long been concerned about what the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had termed "ethnic polarization" in the State party. Colonization had left a terrible legacy of racial and ethnic segregation, where the concept of recognition of and respect for others had struggled to take root. In the past, members of the three major ethnic groups had been given derogatory nicknames, which had exacerbated ethnic stereotyping; the term "Amerindian" continued to be used, although the people in question preferred the term "indigenous". Ethnic segregation was also reflected in the State party's economic and political power structures; the ethnic characteristics of political party membership illustrated that divide.

27. Neither the report nor the delegation's oral presentation had named the different Amerindian groups living in the State party. The joint communiqué signed by President Jagdeo and opposition leader Mr. Corbin on 6 May 2003, which was a solemn reflection of the necessary political commitment at the highest political levels to ensure democracy, peace and development in Guyana, had been drafted without Amerindian participation. Amerindians' lack of participation in political activity appeared to perpetuate their historical exclusion.

28. He enquired what share of GDP was allocated to Amerindians and requested detailed information on annual public health budget allocations for populations outside the capital, in particular Amerindians. He would welcome statistical data on scholarships awarded to Amerindian students; the percentage of Amerindian children completing secondary education; and university enrolment rates for Amerindians. Given the large regional disparities in the quality of education, the system of awarding scholarships based on academic performance was questionable. He asked what measures had been taken to break the vicious circle and enquired whether affirmative action policies were applied to education.

29. He requested the delegation to comment on the results of the study conducted by the Amerindian Peoples' Association described in paragraph 66 of the report. How did the situation of Amerindian peoples compare with that of other ethnic groups? He asked whether it might be possible for the Committee to obtain a copy of the study mentioned in the paragraph.

30. Additional information was required on the criteria for the allocation of house lots and building loans, and on the number of beneficiaries of the measures described in paragraph 59 of the report. Clarification was also needed on the procedure for allocating land titles.

31. He would welcome statistics on the participation of different ethnic groups in the armed forces. The report indicated that Indo-Guyanese citizens tended to leave the armed forces because wages were too low, and he wished to know who filled those vacancies. The delegation should provide examples of the implementation of the Racial Hostility Act, and of provisions limiting the right to freedom of speech, especially those relating to racist or discriminatory language.

32. Considerable progress had been made in the field of anti-discrimination legislation. Article 149 of the Constitution proscribed discrimination on the grounds of race, origin, political opinion, colour or creed. A constitutional amendment adopted in 2001 enshrined non-discrimination as an enforceable right. The Constitution also gave the Ombudsman competence to investigate complaints of racial discrimination at first instance. Legislation further prohibited discrimination in access to education and the publication of racist propaganda. The above-mentioned joint communiqué of 6 May 2003 had been an important milestone in improving inter-ethnic relations in the State party. The adoption of the new Amerindian Act in February 2006 was also encouraging in that regard.

33. Mr. VALENCIA RODRÍGUEZ welcomed the establishment of an inter-institutional commission for the purpose of drafting the periodic report, and hoped it would serve for the preparation of future reports. He welcomed the establishment of five rights commissions, including the Indigenous Peoples Commission and the Ethnic Relations Commission. He

requested information on the composition of those commissions, and in particular the representation of indigenous peoples and the main ethnic groups. More information on the scope of anti-poverty measures and progress achieved to date should be provided. Given the fact that 36.4 per cent of the population lived in poverty, he suggested that anti-poverty programmes should be strengthened.

34. He asked whether the international treaties ratified by Guyana had been incorporated into its domestic law and whether they could be invoked in court by individuals. He enquired whether there had been any cases in which article 149 of the Constitution, which guaranteed the fundamental rights and freedoms of individuals without discrimination, had been invoked. If so, what had been the outcome of those cases? The Constitution stipulated that the Ombudsman could investigate complaints from individuals alleging acts of discrimination by government authorities. The Government should consider expanding the responsibilities of the Ombudsman to include the investigation of complaints from individuals or enterprises, which would be in keeping with the provisions of the Convention.

35. The delegation should provide more information on the specific measures that had been taken to give effect to article 2 of the Convention by raising the standard of living of disadvantaged ethnic groups. The scope of the Racial Hostility Act was much narrower than that required to give effect to article 4 of the Convention in that it concerned only acts committed by public officials. Article 146 (2) (d) of the Constitution struck a good balance between granting freedom of expression and protecting against the dissemination of racist ideas. He asked whether there had been any cases in which article 146 (2) (d) had been invoked. Although Guyana's legislation partly met the requirements of article 4 of the Convention, consideration should be given to bringing it into full conformity with that article, as was required of all States parties.

36. The Government should take the necessary steps to ensure that the various ethnic groups were more adequately represented in the armed forces, the police force, professional bodies and other areas of employment. Their presence would enhance the effectiveness of those institutions and help to foster understanding and harmony. He requested information on the level of political representation of ethnic groups, including indigenous peoples, in political bodies such as the Parliament. The delegation should comment on whether women who were members of ethnic groups were subjected to double discrimination.

37. He noted with satisfaction that Amerindian children had access to free education from the nursery to secondary levels. He wished to know the school attendance rates for indigenous children, and whether there were any schools that provided instruction in the main indigenous languages.

38. He asked whether it might be possible to increase the responsiveness and functions of the Ethnic Relations Commission, whose responsibilities were currently limited to investigation and which had to channel its recommendations through other authorities. He welcomed constitutional provisions that enabled victims of racial discrimination to bring their cases to court, but noted that they were inadequate to give effect to article 6 of the Convention, which required an easily accessible legal mechanism for lodging complaints and granting victims compensation or reparation. The Government should take steps to bring its legislation fully into conformity with article 6.

39. Alongside efforts to combat the ethnic polarization currently prevailing in Guyana, he suggested that added emphasis should be placed on education, and cultural and public information programmes as a way of strengthening harmony between ethnic groups.
40. Mr. SICILIANOS said that article 142 of the Constitution proclaimed the principle of the right to own property and referred to some general exceptions to that principle. However, the exception described under article 142 (2) (b) (i) was very far-reaching, and he requested clarification regarding its interpretation and application. He asked how that provision related to the relevant provisions of the newly amended Amerindian Act regarding property, land ownership and land titles.
41. Mr. CALITZAY asked why the Government did not use the term “indigenous peoples” in its legislation since it used that term in the Constitution. He enquired whether the Government considered the indigenous peoples of Guyana to have inherent rights to their lands, territories and natural resources, and whether it considered them to have the right to self-determination. He wished to know why rivers and other water resources were excluded from the land titles of indigenous peoples. Why had the right to land been recognized for individuals but not peoples? Since the law had not granted indigenous peoples rights to land, territories or natural resources, he wondered how their rights had been protected by the legislation.
42. According to information he had received, the life expectancy of indigenous peoples in Guyana was lower than the national average and their level of poverty was increasing, whereas that of the non-indigenous population was decreasing. He wished to know what specific measures the Government was taking to ensure that the benefits of development were shared equally by all segments of the population.
43. Referring to the statement made by the delegation that the Minister of Amerindian Affairs did not have veto power but had the power to approve decisions, he asked for an explanation of the difference between a veto and a failure to approve a decision.
44. Mr. AVTONOMOV said that it would be useful to have a full account of the scope and provisions of the recently amended Amerindian Act. He asked whether the four members of Parliament who were of indigenous origin were closely involved with and/or lived in the Amerindian communities. Additional details on whether the university scholarships awarded to Amerindian students enabled them to study law would be welcome. He would appreciate more information on which indigenous peoples resided in Guyana, what percentage of the population they represented, an indication of their economic situation and whether or not their languages had been preserved. He asked how many indigenous persons were employed by the Ministry of Amerindian Affairs.
45. He would appreciate an explanation as to why no cases relating to complaints of racial discrimination had been brought before the courts, even though, as stated in the periodic report, two thirds of young people participating in a survey had witnessed incidents of racial discrimination and one third had experienced such incidents themselves. In order to know what steps were needed to address that situation, the Government was advised to carry out a study on the matter and to report on its outcome in its next periodic report.

46. Ms. JANUARY-BARDILL expressed appreciation for the initiation of dialogue with Guyana. Referring to paragraph 14 of the report, she asked whether the macroeconomic initiatives that had been taken included special programmes for minority groups, including indigenous peoples. She enquired whether the statistics given for the overall poverty rate had been disaggregated to reflect the poverty rate of disadvantaged groups. She wished to know what progress had been made in reaching the target of raising to one third the proportion of women on the list of representatives of each political party contesting national elections. She wondered whether that target included women from minority groups and indigenous peoples.

47. The delegation should comment on what appeared to be a conflict of interest created by the fact that the Amerindian village councils both made rules and adjudicated on those rules. She wished to know what specific steps had been taken to correct the imbalance in the composition of the armed forces, which were predominantly staffed by Afro-Guyanese. She wondered who were the recipients of the 50,000 housing lots that were distributed throughout the country and whether any steps had been taken to ensure that potential recipients had equal access to such lots. In the next periodic report, the Government should indicate the distribution of housing lots among specific Guyanese minority groups and indigenous peoples. Information on the extent to which commercial banks provided loans to members of minority groups or groups from lower-income brackets should be provided.

48. Mr. PILLAI expressed appreciation for the establishment of the Ethnic Relations Commission. The objectives of the Racial Hostilities Act and the Prevention of Discrimination Act appeared to be identical. He would be grateful for additional information on the way in which the provisions of those Acts were enforced in differing contexts and for differing purposes by the Government. It would also be interesting to know how the promulgation of the Acts had helped to streamline the process of filing complaints or accessing the State authorities regarding the violation of the right to non-discrimination. The consultancy services provided to Guyana by the OHCHR secretariat to assist it in preparing its periodic report should be made available to other States parties requiring assistance.

49. In the report submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, following his mission to Guyana in 2003, reference was made to the fact that the race factor had been exploited by all political leaders in Guyana at every point of the political spectrum. That observation was disturbing because the most important segment of opinion-makers in a democratic society was the political leadership. The delegation should comment on the Government's response to the Special Rapporteur's observation. He asked whether the Racial Hostility Act contained provisions to address the type of violations described in the above-mentioned report. If so, the Committee would appreciate receiving information on any such cases that had been tried under the Racial Hostility Act.

50. Given that poverty among the indigenous community had reportedly risen, whereas it had decreased in all other sectors of society, it would be useful to have disaggregated statistics on the incidence of poverty among the different communities in the population. Had the Government's affirmative action to address poverty among indigenous people been adequate?

51. The delegation should indicate whether the Government encouraged civil society involvement in the development of infrastructure. NGOs should strive to help communities regard the construction of health centres, schools and roads as positive. They should also urge the Government to provide facilities so that the whole population could enjoy all the economic, cultural and social rights embodied in the Convention.
52. It was regrettable that, in the first paragraph of its written replies to the Committee's list of issues, the Government had linked the "content and tone" of the questions to reports from one so-called "extremist" Amerindian NGO. The Committee received many NGO reports on all States parties, which enabled members to gain a fuller picture of the situation in each of them. The list of issues had been based on information presented in the periodic report and in several NGO reports.
53. Mr. THORNBERRY said that it was difficult to understand why the Amerindian Act referred to the "granting" of land to Amerindian communities, whereas Guyanese law included the doctrine of inherent title belonging to indigenous communities. Was that not equivalent to the concept of native title in Australia and aboriginal title in Canada? It would be interesting to learn whether the State party was able to meet the standards embodied in ILO Convention No. 169, particularly article 14, which stated that the "rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized". There appeared to be a difference in the term "recognized" in that context, and the word "granted" in the Amerindian Act.
54. The Amerindian Act provided for many occasions on which ministerial discretion was exercised. The reporting State should indicate whether there was a system of judicial review to allow for scrutiny of ministerial deliberations. It was unclear whether the Act was fully compatible with the notions of collective rights and indigenous people's self-determination.
55. He asked whether the State party made a distinction between arranged marriage and forced marriage. The Committee would also welcome additional information on the provision of education in Amerindian languages, and educational measures to combat racism and promote tolerance.
56. The Committee followed the principle that all communities had the right to be called by the name they chose. The term "indigenous", while it had a colloquial meaning, was a concept recognized in international law. Regardless of the name by which a community chose to be known, it remained fully entitled to the rights embodied in international law. The State party should ensure that communities' access to those rights was not limited as a result of being designated as belonging to a different type of group.
57. Mr. TANG Chengyuan asked whether the term "Amerindian people" could include people who had gone to live in a place from which they had not originated. If so, that would have a different meaning from the term "indigenous people", which clearly referred to the community that had originally lived in a place.
58. The question of land title and use of land required clarification. It was difficult to understand why, under the legislation amended in 2005, some communities appeared to have the right to use land and others had the right to own it.

59. The delegation should indicate whether there had been any cases in which officials had been charged with violating the Racial Hostility Act. It would be useful to have updated information on the cases currently under consideration by the Ethnic Relations Commission.

60. Mr. LINDGREN ALVES asked what major factors had resulted in the submission of the current report, given that it was long overdue. It was difficult to understand why so much of the report and the delegation's introductory statement had focused on the situation of the Amerindian communities, given that they accounted for only 6.3 per cent of the population. Were there no problems of racial discrimination between the Indo-Guyanese and the Afro-Guyanese? Why had no cases of violation of rights through racial discrimination been brought before the courts?

61. It would be useful to learn whether there was any prejudice against Amerindians of mixed descent. Did Amerindians hold positions of authority in the Ministry of Amerindian Affairs? Were they responsible for formulating policy on Amerindian issues? It was unclear why the name "Amerindian" had been chosen instead of "indigenous".

62. He failed to understand why the Portuguese had been singled out from other Europeans in the demographic statistics presented in paragraph 11 of the report. Additional information on the "Coanza" celebrations, mentioned by the delegation, would be welcome. The delegation should also indicate whether all Amerindians had the opportunity to acquire a good level of English-language skills.

63. Mr YUTZIS, reiterating the concern raised by Mr. PILLAI over the first paragraph of the Government's written replies, assured the delegation that the Committee remained impartial in its consideration of all reports it received. Committee members always acted in their capacity as independent experts.

64. Ms. SHADDICK (Guyana) said that a high proportion of the delegation's introductory statement had focused on Amerindian affairs because the majority of the questions on the Committee's list of issues had concentrated on that subject. That was also the reason for the inclusion of the Minister of Amerindian Affairs in the delegation.

65. All community development officers employed by the Ministry of Amerindian Affairs were Amerindians themselves, and they were responsible for policy formulation. The Minister also visited the Amerindian communities. All Amerindian members of Parliament either lived in or frequently visited the communities they represented. Since the Guyanese electoral system was based on proportional representation, not all Amerindian members of Parliament had necessarily been elected by an Amerindian constituency.

66. The constitutional provision introducing the requirement that one third of candidates on political parties' election lists should be women had been introduced prior to the 2001 elections. While that requirement did not apply to Parliament, 30.7 per cent of Guyanese parliamentarians were women.

The meeting rose at 5.45 p.m.