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Sixty-eighth session

SUMMARY RECORD OF THE 1829th MEETING

Held at Headquarters, New York,
on Friday, 24 March 2000, at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

later: Mr. AMOR
(Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Second periodic report of Guyana (CCPR/C/GUY/99/2)

1. At the invitation of the Chairperson, the delegation of Guyana took places at the Committee table.

2. Mr. LUNCHEON (Guyana) reaffirmed his Government's commitment to ensuring that the principles enshrined in the Covenant were fully enjoyed by all citizens of Guyana. The report now before the Committee indicated the ways in which the civil and political rights of Guyanese citizens were protected by citing the legislative and other measures adopted to guarantee them. At the same time, due attention had been given to past practices which might have prevented the full enjoyment of those rights.

3. Although Guyana had achieved independence in 1966, it was only eight years earlier that the Guyanese people had once again been able to elect the government of their choice at a free, fair and transparent election. The present PPP/Civic government was therefore a genuine expression of the will of the people, reflecting a democracy in which the citizens were free to determine their political status and pursue their economic, social and cultural development. The Constitution guaranteed the right to form political parties and the freedom of action of those parties as well as the protection of fundamental rights. The proliferation of television stations and political, religious and academic literature attested to the Government's commitment to strengthening freedom of expression. At the international level, Guyana had unfailingly supported the rights of peoples to self-determination, and had supported many United Nations resolutions, particularly those emanating from the Special Political and Decolonization Committee.

4. As the report indicated, the human rights recognized in the Covenant were guaranteed in Guyana by law, without distinction in respect of race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. Measures adopted to protect and assist children included the Children Born Out of Wedlock Act, the Factory Act, which provided for the prohibition of employment of children in factories, and the Employment of Women, Young Persons and Children Act, which reflected the provisions of international conventions relating to the employment of such persons. The Ministry of Labour, Human Services and Social Security, as well as non-governmental organizations had, over the years, held a series of workshops to promote awareness of the Convention on the Rights of the Child and to exchange information on promoting those rights.

5. Special attention was also paid by the Government to disadvantaged children, including those abandoned, abused and disabled and those living in the streets. Efforts were being made to establish more centres for street children, while ensuring effective provisions in the 1996 Domestic Violence Bill to protect children. An Inter-Agency Permanent Committee on Human Rights had been

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established, and comprised representatives of ministries, religious organizations, women lawyers, the Bar Association, the Human Rights Association, and the Trade Union Congress.

6. Addressing the question of equality between the sexes, he pointed out that men and women continued to enjoy equal rights and the same legal status in all spheres of political, economic and social life. In 1997, Guyana had elected its first woman president, the presiding Chief Justice was female, the first in the English-speaking Caribbean, and the number of women in government and Parliament was steadily increasing.

7. Similar progress had been seen in the situation of the indigenous peoples of Guyana. The present Government had established a Ministry of Amerindian Affairs, headed by a Minister of Amerindian descent, which had been instrumental in promoting the Government's policy of integrating the indigenous people into national development. In 1999, three Amerindian conferences had brought together more than 30 captains to discuss issues of concern to the indigenous peoples.

8. In the area of education, through hinterland scholarships, over 200 children were attending secondary and tertiary institutions every year in the major cities of Guyana. Priority had been given to the construction of health posts and the rehabilitation of hospitals for hinterland residents, with appropriate training of community health workers, Medexes and nurses. The Amerindians continued to enjoy freedom of worship, using their traditional dialects.

9. He looked forward to a lively exchange of views on Guyana's report, and the legal advice provided by the Committee would be useful in the context of national efforts to strengthen and consolidate the gains already made.

10. In connection with the list of issues, he said that he would provide some of the information and statistics requested in connection with questions 2, 5, 8 and 9 at a later meeting.

Compliance with the Covenant and Optional Protocol

11. The CHAIRPERSON read out the questions relating to the issue: steps taken to ensure implementation of the Committee's Views finding a violation of the Covenant; future measures to prevent the carrying-out of a death sentence prior to consideration of a communication; provision of information on the implementation of Views in case No. 676/1996; examples of court decisions upholding Covenant rights; changes envisaged in the proposed new Constitution in relation to the Covenant; Guyana's reservation to the Optional Protocol; examples of complaints dealt with by the Office of the Ombudsman; implementation of recommendations and effective remedies.

12. Mr. LUNCHEON (Guyana) said that specific measures had been put in place to ensure that communications from the Committee were directed to the appropriate authorities. That would prevent a recurrence of the unfortunate incident in which information from the Committee had gone to the office of the President,

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and had only been received by the Director of Prisons after the hanging of the convicted person.

13. He wished to inform the Committee that the Yasseen and Thomas case was currently before the Court of Appellate Jurisdiction in Guyana, and had not yet been resolved.

14. With regard to the protection of Covenant rights, he noted that his remarks would reflect the unfinished state of constitutional reform, and should be understood in the context of the goals of the administration and the preliminary outcome of the discussions held in political, social and other organizations that had made contributions to the reform.

15. However, certain irreversible steps had been taken in relation to the protection of Covenant rights. The report of the Constitution Reform Commission specifically addressed those rights and in some cases, rights which had previously been recognized were now also justiciable. Definitive pronouncements had also been made inter alia on the recognition of gender equality and geographic representation, and in the new Constitution soon to be promulgated they would become part of the constitutional protection of the rights enshrined in the Covenant.

16. His Government had not yet withdrawn its reservation to the Optional Protocol and consideration of the issue was continuing.

Gender equality and violence against women (arts. 3, 7 and 26 of the Covenant)

17. The CHAIRPERSON read out the questions relating to the issue: participation of women in various spheres; information on violence against women; statistics on protection, occupancy and tenancy orders; independent monitoring and prosecution of offenders.

18. Mr. LUNCHEON (Guyana) said that the second periodic report indicated that women's participation in education, the workplace, public service and political life had significantly increased since the presentation of the first report. Not only was that trend continuing, but the constitutional reform process would make it a fact established in the Constitution and protected by its provisions. Specific attention in the reform process was to be given to the participation of women in the National Assembly. Currently, the parties to the discussion on the reform process were working on the mechanism, numbers and the ways in which the gender role would be addressed in accordance with the Committee's Views.

19. In public life and in political life, more and more women were entering the mainstream, as efforts continued to provide the opportunities for women's participation.

20. The implementation of orders under the Domestic Violence Act was carried out through the Ministry of Human Services and Social Security, where the initial contact was made, and counselling and information provided on interventions that might or might not involve recourse to the courts. Non-governmental organizations active in that field also provided a service to women and spouses victims of domestic violence. That was the extent of independent

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monitoring. Sixty-three protection orders had been issued, one occupancy order and three tenancy orders. There had been two cases of rape, three of carnal knowledge, and one of domestic violence. The source of the information was the Magistrate's Court, and the figures were for the year 2000 to date.

Prohibition of torture and degrading treatment (art. 7 of the Covenant)

21. The CHAIRPERSON read out the questions relating to the issue: allegations of torture and abuse of detainees; investigations resulting in disciplinary action; powers of the Police Complaints Authority, the Commissioner of Police and the Ombudsman in investigation of allegations.

22. Mr. LUNCHEON (Guyana) said that the legislation dealing with the Police Complaints Authority had done much to address the inadequacies of the Authority and recommendations had been made to strengthen its role in addressing the issues under consideration. The Ombudsman and the Ombudsman Act had also been subjected to deep and thorough review.

23. Allegations of torture and abuse of detainees continued to be made at the level of court trials, and less frequently in public disclosures in the media. Where investigations had taken place, they had led in a small number of instances to disciplinary action being taken against those in the police force who had been identified as perpetrators. There had not been any criminal convictions of perpetrators, and no compensation had been ordered by the courts in such matters.

Liberty and security of the person; the treatment of prisoners and other detainees and the right to a fair trial (arts. 9, 10 and 14 of the Covenant)

24. The CHAIRPERSON read out the questions relating to the issue: pre-trial detention; applications to High Court for writ of habeas corpus; rights of suspects; rules on obtaining confessions, their admissibility, and legal counsel; prison overcrowding; renovation of Georgetown Prison; measures to eliminate adverse conditions; independence of judiciary.

25. Mr. LUNCHEON (Guyana) said, with regard to the continuing problem of long periods of pre-trial detention, that the administrative ministries and bodies concerned had not been equipped to meet the demands of the State prosecution system. As a result, the delays in court cases continued to increase, leading to the tabling of a proposal for the empowerment of lay magistrates. The constitutional reform process was addressing the issue of part-time and temporary judges to try and resolve the issue. In those few instances when a writ of habeas corpus had been filed, they had all been successful.

26. Police treatment of detained persons was properly addressed in the laws of Guyana. The right to legal counsel, a key right to protect suspects, was assured. With respect to confessions, the Guyana Police Force had a formal procedure that included informed consent. It was not unusual for confession statements that did not seem to accord with the laws to be rejected by trial judges.

27. Prison overcrowding remained a problem at the Georgetown Prison. Peripheral facilities to which some prisoners had been sent lacked the security features to accommodate certain other categories of prisoners. Greater attention was being given to reducing trial delays and appointing lay magistrates. At another level, legislation had recently been passed to limit custodial sentences imposed on those convicted under the Narcotics and Psychotropics Act, a frequent cause of imprisonment in Guyana. Non-custodial sentences had now been permitted in such cases, thus further reducing overcrowding.

28. Recently, the commitment to renovate the Georgetown Prison and improve security had been strengthened; the sanitation facilities and the provision of potable water had been improved; and additional financing had been allocated to improve the prison diet.

29. The independence of the judiciary was guaranteed under the Constitution. Judges were appointed by the President, on the advice of the Judicial Service Commission. The ongoing constitutional reform envisaged the introduction of a consensual mechanism for the appointment of the Chancellor of the Judiciary and the Chief Justice, the two highest posts in the Guyanese judicial system; possibilities considered had included input from the heads of political parties and confirmation by the National Assembly. Under the Constitution, puisne judges could remain in office until age 62 and justices of appeal till age 65; however, the reform process had included a recommendation that those ages should be extended to 70 and 75, respectively. There were no plans to change the current system of extension of service, which would remain at the President's discretion, subject to the advice of the Judicial Service Commission. Consideration had also been given to making statutory provision for the payment of judges' salaries, which were currently funded through appropriations.

Freedom of expression (art. 19 of the Covenant)

30. The CHAIRPERSON read out the question relating to article 19: remedies available to journalists or others who were subjected to intimidation, violence or other reprisals.

31. Mr. LUNCHEON (Guyana) said that although there were no specific remedies for journalists in such cases, they were entitled to the same protection as the rest of the population. The very same journalist associations and the affiliated publications that complained themselves often abused the rights enshrined in article 19 of the Covenant and no specific remedies were available to their victims. The Government was considering the adoption of a telecommunications act, which would include measures to ensure the safety of journalists and to punish them for abusing the rights of others.

Right to a family and protection of children (arts. 23 and 24 of the Covenant)

32. The CHAIRPERSON read out the questions relating to articles 23 and 24: the problem of street children, protection of children from abuse and equality for children born out of wedlock.

33. Mr. LUNCHEON (Guyana) said that his delegation planned to submit to the Committee a copy of a Ministry of Human Services and Social Security document on street children. The Government considered that the problem was caused by various threats to the family, including poverty, illiteracy and the attraction of life on the street. Efforts had been made to determine the number of street children in urban areas; however, because no clear definition of such children had been established, fewer than 200 had been identified in Georgetown, which had a total population of over 200,000. As a party to the Convention on the Rights of the Child, Guyana had brought its legislation into line with its provisions in the areas of health, education and labour and had significantly increased the number of social workers and probation officers in an effort to address the problem of street children.

34. The 1993 Children Born Out of Wedlock (Removal of Discrimination) Act gave such children the same rights as those born in wedlock. Unfortunately, problems had arisen in the implementation of that Act and it was currently under review.

Right to participation in public life (art. 25 of the Covenant)

35. The CHAIRPERSON read out the question relating to article 25: election of members of Parliament.

36. Mr. LUNCHEON (Guyana) said that the Constitution provided for a system of proportional representation. There had been considerable discussion of the issue during the constitutional reform process; in particular, efforts were being made to increase geographical representation and gender parity in the selection of members of Parliament.

37. Mr. SOLARI YRIGOYEN complained that there were many issues on the list of issues for which the delegation had provided no information or had replied only in general terms. The second periodic report (CCPR/C/GUY/99/2) was also of an extremely cursory nature. The Committee needed information on de facto implementation of the Covenant, particularly as it had received credible reports of numerous violations of the provisions of that instrument.

38. The delegation had stated that steps had been taken to ensure compliance with the Optional Protocol and had attributed to a misunderstanding the fact that the author of one complaint had been executed before the Committee's Views on the case had been received. As the matter was still before the appeals court, none of the Committee's concerns had been addressed. Similarly, the delegation had said that the Constitutional Reform Commission had submitted its report, but it had been given little information on the contents of that report or on the anticipated outcome of the reform process. He also regretted that Guyana had not withdrawn its reservation to the Optional Protocol.

39. The Committee would appreciate receiving specific information, including statistics, on concrete improvement in the situation of women and on violence against women.

40. While the delegation had acknowledged that pre-trial detention could be extended for years, it had said nothing of government efforts to address that problem. Furthermore, while he welcomed the delegation's statement that all

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applications for writs of habeas corpus in cases of unlawful detention had been granted, the Committee needed more information on how that remedy functioned.

41. He appreciated the Government's frankness regarding the problem of overcrowding in the Georgetown Prison but wondered on what basis and by whom prisoners were selected for transfer to other institutions with a lower level of security. He asked what responsibilities the temporary judges would have and how the Government planned to ensure that all judges were properly qualified. Furthermore, extending judges' length of service was not the only way of ensuring the independence of the judiciary; he asked what other measures the Government was taking in that regard, what results had been achieved and what was planned for the immediate future.

42. The delegation's emphasis on journalists' violation of the rights of others showed that the Government had interpreted issue 13 on the list of issues in a manner contrary to the Committee's intentions.

43. The delegation should clarify how the 1980 Constitution provided for the selection of members of Parliament, what changes in that process were envisaged and what problems had been encountered in the implementation of the 1993 Children Born Out of Wedlock (Removal of Discrimination) Act.

44. Paragraph 13 of the report stated that there was still a disparity in women's participation in public life; further details would be appreciated.

45. While it was encouraging that the death sentence could not be imposed on women or persons under the age of 18, the Committee had many other concerns related to the right to life. For example, torture was prohibited under article 141 (1) of the Constitution, but the Committee had received credible reports that it was common practice in Guyana. In that regard, he drew attention to the case of Mark Brown, who had allegedly been taken by police officers to an unoccupied room in a private house, where officers had sprinkled acid on various parts of his body, and that of Victor "Junior" Bourne, whom the police claimed to have shot after he confronted them but who, according to witnesses, had been in bed at the time of the attack.

46. The same could be said of the practice of extrajudicial executions, which was extremely widespread. He would welcome additional details on any measures taken to prevent that practice. He would also appreciate information on the extrajudicial executions of, inter alia, Wayne Bancroft, Orin Galloway, Richard Paul, Jermaine Wilkinson and Kamal Khan.

47. Paragraphs 38 to 47 of the report indicated that certain legislation did not comply with Covenant norms relating to liberty and security of the person. In particular, article 139, paragraph 1 (e), of the Constitution provided that a person could be arrested and detained "upon reasonable suspicion of his having committed, or being about to commit a criminal offence". Paragraph 3 of that article provided that any person who was arrested or detained should be informed "as soon as is reasonably practicable" of the reasons for his arrest. Section 21 of the Police Act provided that if a person was arrested without a warrant, he should be taken before a magistrate "as soon as practicable after he is taken into custody". Thus, persons could be held for very long periods

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without being charged or brought before a court. The reporting State should be more specific about the effect of those provisions.

48. With regard to article 13 of the Covenant, it was stated in paragraph 61 of the report that the laws provided for the expulsion of aliens and "undesirables". He would be grateful for information on whether remedies against expulsion were available.

49. The situation with regard to the detention of children was particularly serious. Information had come to his attention concerning cases in which children and adults had been held in the same jails and the children had been abused repeatedly. Reports had been received concerning the abuse suffered by a 9-year-old child being held in Brickdam Prison. The allegations had been corroborated by the authorities and corrective measures had been taken, but no doubt the intervention had come too late. That situation needed clarification.

50. Mr. Amor, Vice-Chairperson, took the Chair.

51. Mr. HENKIN said that the report had been prepared in 1987; it was unclear whether it had been updated and to what effect. The Committee had been informed that extrajudicial killings had existed several years earlier and that the situation had improved, but not entirely. He would appreciate clarification of the extent to which they remained an ongoing problem.

52. While the delegation had stated that television stations were now independent, he wondered whether the same applied to radio stations.

53. He noted that the report made a number of references to citizens; however, additional data should be provided on whether the rights of aliens were protected fully.

54. Mr. ANDO said that a long time had elapsed since the period covered by the State party's second report, namely, the period from 1982 to 1987. While the lack of written information had been partially compensated for by the oral presentation, most of the replies had been of a general nature. Further details were needed regarding the changes that had occurred since 1987.

55. The reporting State should be more specific about the place of the Covenant in domestic law at the time when the report was written. If the constitutional reform was still in progress, it would be useful to learn what reply was envisaged to that question.

56. Paragraph 23 of the report stated that there had been a number of undocumented cases of shootings by plainclothes policemen, which suggested that suspects had been shot while resisting arrest; more information should be provided.

57. With regard to paragraph 33, concerning corporal punishment in schools, the reporting State should explain how that practice was compatible with the provisions of the Covenant.

58. Paragraph 37, concerning civil servants, needed clarification; the delegation should indicate whether the situation had changed.

59. Paragraph 47 stated that during the period under review there had been a number of arbitrary arrests that had been politically motivated and directed at opponents of the regime. He would be grateful if the delegation could confirm the disappearance of that practice.

60. Paragraph 56 indicated that many prisoners suffered from chronic illness; it would be useful to learn whether that situation had improved.

61. Paragraph 58 indicated that persons who were "contracted to the Government" were subject to restrictions on their freedom of movement; the reporting State should be more specific about the occupations covered by such restrictions.

62. Paragraph 62 indicated that an "undesirable person" could be deported at the discretion of the President. He would be grateful for examples of how the legislation in question had been applied and information on whether the practice continued.

63. Paragraphs 78 to 80 indicated that during the period under review there had been a number of constraints on freedom of expression. Further details were needed on whether that situation was continuing.

64. Lastly, paragraph 84 stated that a constitutional action had been brought against the police for refusal of permission to hold public meetings, but that the case had been dismissed. He would welcome additional information in that regard.

65. Mr. ZAKHIA asked whether there was a unitary civil status in the reporting State, or whether it varied according to one's ethnic or religious group.

66. Mr. YALDEN said that the paragraphs in the report on equality before the law and the rights of minors amounted to 10 or 11 lines in all, which was unsatisfactory.

67. With regard to the questions relating to issue 6, he noted from the delegation's statement that an act was in place prohibiting discrimination against women. That legislation, however, dated only from 1987. While he did not doubt that various agencies existed to protect women, the reporting State should indicate whether there was an overall monitoring body to ensure that complaints of discrimination were dealt with effectively.

68. On the question of participation, it had been stated that "greater representativeness" was under discussion; however, since no details had been given, it was impossible to judge women's position in Parliament, education and civic life.

69. As to the questions relating to issue 11, additional data on the Police Complaints Authority would be welcome, especially as the delegation had stated that it was under review.

70. On the questions relating to issue 14, he associated himself with the other members of the Committee who had commented that the problem of prison overcrowding did not seem to have been addressed. It had been reported that the Georgetown Prison currently housed as many as three times its capacity; the State party should indicate what was being done to correct that situation.

71. Lastly, he would be grateful for further details on the situation of children housed together with adults in prison.

72. Mr. KLEIN welcomed the State party's assurances that incidents similar to the one referred to in the first question relating to issue 1 would not recur and expressed the hope that there was still a possibility that the Committee's Views could be implemented in the case referred to in the second question. The State party should explain whether its court procedures made that possible.

73. He also noted with satisfaction that deliberations were still ongoing concerning the possible withdrawal of the reservation made by the State party upon its reaccession to the Optional Protocol.

74. While the delegation had stated that all the rights under the Covenant were enjoyed by the citizens of Guyana, there seemed to be exceptions to those rights. He doubted, for example, that the Government's statement that the Committee's Views in case No. 676/1996 (A. S. Yasseen and N. Thomas v. Guyana) reflected insensitivity to the normative conditions in the country provided a very firm basis for the full enjoyment of the rights under the Covenant.

75. There was a great deal of information concerning police brutality (for example, in paragraphs 26 and 74 of the report) which indicated that such incidents were continuing on a daily basis. On the one hand, that reflected a certain casualness towards human rights within the police force, but on the other hand, it was also the fault of the Government. It must be possible to let the police know that such conduct was unjustifiable. He urged the Government to make greater efforts to educate those responsible for enforcing the law.

76. There was indeed a discrepancy between domestic law and article 9, paragraphs 2 and 3, of the Covenant, as Mr. Solari Yrigoyen had pointed out. The Covenant provided that anyone who was arrested should be promptly informed of any charges against him and be brought promptly before a judge. In Guyanese law the wording was "as soon as is practicable".

77. On the question of compensation for unlawful arrest or detention, article 139, paragraph 5, of the Constitution stated that "A person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person" (para. 40 of the report). It was unclear whether such a claim could only be made against a police officer, or could also be directed against a State. Additional information should also be provided on whether that provision was self-executing or needed a legal basis; in the latter case, the State party should indicate whether such a basis existed.

78. It was his understanding that there was no compulsory legal representation at pre-trial hearings, even in death penalty cases; if that was true, he doubted that it was in conformity with the Covenant.

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79. Lastly, he was very concerned at the reports of overcrowding and poor health conditions in prison, particularly in the women's prison, which appeared to violate several provisions of the Covenant.

80. Ms. EVATT said that the Committee did not yet have the information required for a fair assessment of the implementation of the Covenant in Guyana, particularly in respect of the application and enjoyment of human rights. She would appreciate more information, for instance, regarding anti-discrimination legislation which had helped to advance women's equality in Guyana. It was also unclear whether there was any law against sexual harassment in the workplace.

81. The reporting State should clarify how the constitutional provision on equal rights for men and women was compatible with the provision excluding from anti-discrimination laws matters relating to marriage, divorce and other personal issues. She also invited the reporting State to comment on the matrimonial property regime, which provided for different shares of matrimonial property on divorce, depending on whether the wife had been in paid employment, an arrangement that appeared to undervalue the domestic work of women.

82. Domestic violence appeared to be a major problem in Guyana, and the reporting State should clarify the effects of legislation in that area. Details would also be welcomed on what action was being taken to sensitize law enforcement officers in order to ensure that women who had been subjected to violence felt able to lodge complaints and get some satisfaction. She would also welcome information as to whether the Government was taking action to protect women from situations of debt bondage in which they were forced into situations of servitude involving prostitution or domestic work in foreign countries.

83. The Committee had learned of numerous examples of police brutality, including the recent case of the female companion of a suspected criminal who had been held in detention without charge for several days and treated brutally by the police. The reporting State should specify what inquiries were being pursued in that case, and she would welcome more information on matters of that nature. She asked how the independence of the Police Complaints Authority was guaranteed, and whether its membership included outsiders or lay persons whose presence could enhance its impartiality. She also requested detailed information on how widespread corporal punishment was and where it was used. Paragraph 141 (2) of the Constitution preserved punishments. She asked in what cases punishments which might otherwise violate the prohibition on torture were applied and whether the intention was to repeal such provisions.

84. Apparently, no public defender was available in Guyana, no legal aid was available in committal proceedings as a general rule, and in most criminal cases, apart from murder, no legal aid was available to defendants. She looked forward to the delegation's comments on that issue. Specific information should also be provided on the problem of overcrowding and disease in prisons, including their capacity compared with the number of prisoners they actually held.

85. She said that one of the persons mentioned in the case referred to in question 1 of the list of issues, who was suspected of having tuberculosis, had

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been denied medical attention for seven months, was not allowed in the prison yard and was held in cells without natural light. She hoped that the reporting State would provide more information on that situation. She also asked why it was thought appropriate to hold juveniles as young as eight and nine years of age in adult prisons.

86. Turning to question number 19 on the list of issues, she said that she would appreciate additional details on the selection of members of Parliament. She understood that those who served in Parliament were chosen by representatives of political parties rather than by direct suffrage. That could lead to a situation where a party could dispose of a member of Parliament by simply removing him or her from the electoral list and selecting another person and was certainly not a good guarantee of representation; indeed, it might even reinforce the polarization of Parliament along ethnic lines.

87. Mr. LALLAH said that like many other States using the common law system, Guyana only applied those Covenant rights that were incorporated in domestic law on the premise that it was for the legislative, not the executive branch of government to make law. He wanted to know the attitude shown towards the Covenant by members of the judiciary and by lawyers, particularly those lawyers who advised the Government, and generally the attitude of civil society towards the Covenant. He also wanted to know whether there were non-governmental or professional organizations in Guyana dealing with human rights and making their voices heard.

88. He would welcome additional information about the political evolution in Guyana in recent years and its impact in relation to article 25 of the Covenant. He would welcome the views of the delegation of Guyana about the transparency of past elections, the flaws from which they suffered and possible remedies which might have been applied in the latest elections. It was also unclear whether there was a time limit within which an arrested person must be brought under judicial control and could no longer be detained before appearing in court. That was an important legal guarantee; it should not be left to individual police officers to interpret the law. It appeared from the report that there had been many politically motivated arrests; monitoring by the courts would have helped to control that abuse.

89. He would welcome additional information regarding respect for the right to life in Guyana, as it related to the application of the death penalty. The reporting State should provide updated statistics on the number of times death sentences had been commuted and the numbers of people who had actually been executed. He regarded those statistics as a barometer of respect for the right to life by the judicial authorities.

90. Mr. LUNCHEON (Guyana) said that the second periodic report of Guyana, covering the period from 1982 to 1987, had arrived so late that it failed to reflect drastic changes in Guyana's political administration since 1987. He would prefer to disregard many of the submissions in the report and to confine discussions to the current situation and requests for clarification from Committee members.

91. It was somewhat premature, given the lacunae in gathering statistics, to talk about specific legislation against discrimination. At the present preliminary stage, legislation and the direction of the constitutional reform process, as well as the creation of commissions to address the issue of discrimination in its broadest sense, focused attention on the recognition and identification of the problem itself and the mechanisms to be put in place to deal with it.

92. He hoped that the Committee would provide guidance and advice to his delegation on better ways to fulfil his Government's responsibility to report to the Committee in future, and also on ways of going forward from legislation to implementation.

93. A full answer giving the steps in hand to overcome discrimination between ethnic groups involved constitutional, legislative, administrative, political and economic considerations. He hoped that time would be available for his delegation to provide that information. Many aspects of the reform process were fast approaching their conclusion, and the commitment and interest shown by the participants in the process needed to be brought to the Committee's attention. The ethnic relations committee and its genesis were an important feature in crafting Guyana's future constitution. He was confident that the dialogue between his delegation and the Committee would make clear the intentions of the framers of the new constitution.

The meeting rose at 6 p.m.