



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the fifteenth and sixteenth periodic reports of Guyana*

General information

1. Please provide updated information on the ethnic composition of the State party's population, including on ethnic minorities, in particular indigenous peoples, and on non-citizens such as asylum seekers, refugees, stateless persons and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999).
2. Please provide statistical information on the economic situation of Afro-Guyanese persons and of indigenous peoples, as well as on their enjoyment of the rights protected under article 5 of the Convention, disaggregated by, inter alia, gender, age and national origin.
3. Please provide information on measures taken or planned by the State party to make the optional declaration provided for in article 14 of the Convention.
4. Please provide information on plans to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, or on discussions to that end.

Article 1

5. Please provide information that shows the extent to which the legal order of the State party, on both the constitutional and statutory levels, provides for a prohibition of discrimination in line with article 1 of the Convention, and the extent to which all rights mentioned in article 5 of the Convention are guaranteed constitutionally. Please also explain how exceptions under article 149 of the Constitution are in line with the State party's obligations under the Convention.
6. Please provide information about recent changes regarding the State party's use of the term "indigenous peoples" and whether the changes were made in consultation with the people affected.

Article 2

7. Please provide information on measures taken to ensure that courts, tribunals or other bodies in the State party apply or reflect the Convention in their decision-making. Please also provide information on cases in which courts, tribunals or other bodies have applied the Convention and on cases in which they have applied criminal and other legislation that sets out punishment for, or prohibits, acts of racial discrimination, such as the Racial Hostility Act, as amended in 2002, the Prevention of Discrimination Act of 1997, or article 149 of the Constitution. Please also include the number and nature of cases brought, of investigations, of convictions and of sentences imposed, and information on any reparation or other remedies provided to victims.

* Adopted by the Committee at its 102nd session (16–24 November 2020).



8. Please provide an explanation regarding the extent to which the Prevention of Discrimination Act of 1997 is applicable to all areas of life.

9. Please provide information on steps taken to enforce legislation that protects the rights and cultural practices of indigenous peoples, particularly with regard to reviewing dress codes and other policies to ensure they are inclusive and accommodating of all cultural practices. Please also provide information on steps taken to adopt a comprehensive national strategy or plan of action providing for special measures, in accordance with article 2 (2) of the Convention, for the purpose of guaranteeing indigenous peoples the full and equal enjoyment of human rights and fundamental freedoms, and also on steps taken to allocate sufficient funds for that purpose. Please also provide information on how indigenous peoples are participating in the development of the national strategy or plan of action, including with regard to how they are being consulted.

10. Please provide information on measures taken to fully operationalize the Human Rights Commission, to allocate adequate financial and human resources in order for it to carry out its mandate, and to ensure that it is fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

11. Please provide information on steps taken to conduct an institutional assessment of the Ethnic Relations Commission with a view to formulating clear recommendations to improve its structure and the delivery of its mandate.

12. Please provide information on measures taken to adopt legislation to prevent and prohibit racial profiling, including in the administration of the criminal justice system, and to set up a complaints mechanism addressing this phenomenon. Please also provide information on steps taken to ensure that all victims of racial profiling have access to all available remedies and that the relevant legislation is disseminated widely among judges, magistrates, lawyers and the population in general.

Article 3

13. Please provide information on measures taken to prevent tendencies of racial segregation among different ethnic groups in various fields of social and public life.

Article 4

14. Please provide information on the legislative, judicial, administrative or other measures taken to prevent and prohibit:

(a) All dissemination of ideas based on racial superiority or hatred or incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons because of their race, colour, descent or national or ethnic origin;

(c) Public authorities and public institutions, including leading politicians and political parties, national and local, from promoting or inciting racial discrimination, and on steps taken to ensure accountability for such acts.

15. Please provide information on steps taken to address reported cases of extrajudicial killings by the police over the past decades, including cases in which Afro-Guyanese and Indo-Guyanese persons were reportedly targeted, and their outcomes.

Article 5

16. Please provide information on measures taken to prevent and prohibit racial discrimination in the private sector against persons belonging to various ethnic groups. Please also provide information on incidents of racially motivated violence in 2020 that have led to the death of people belonging to the Afro-Guyanese and Indo-Guyanese communities. Furthermore, please provide information on measures taken to investigate those incidents thoroughly and impartially and to prevent further such incidents from happening, or on efforts to establish an international commission of inquiry in connection with those violent incidents.

17. Please provide information on measures taken to ensure that indigenous persons, including children, are able to enjoy their economic, social and cultural rights without discrimination, in particular regarding access to adequate education, employment and housing, on equal footing with other citizens, and to address the poverty that affects indigenous people, in particular those living in rural areas. Please also provide information on measures taken to address child mortality and the epidemics of malaria, tuberculosis and HIV/AIDS among the indigenous population, and on steps taken to ensure that indigenous persons have access to adequate health care, improved drinking water sources and improved sanitation.

18. Please provide information on steps taken to address the multiple and intersecting forms of discrimination faced by indigenous women, including those living in rural areas. Please indicate the measures taken to ensure that those women are adequately consulted with regard to the development and the adoption of legislation and policies that affect their lives. Please also provide information on measures taken to ensure that indigenous women, including those living in rural areas, have adequate access to health-care services, in particular sexual, reproductive and mental health services, to education, to economic empowerment programmes and to employment opportunities. Furthermore, please provide information on measures taken to address teenage pregnancies among indigenous girls.

19. Please provide information on measures taken to address the effects of climate change, oil and gas production, and deforestation caused by mining activities that affect indigenous communities, including women. Please provide information on efforts to strengthen and guarantee the participation, consultation and inclusion of indigenous peoples in decisions that may have a detrimental impact on their communities, in particular with regard to the oil and gas production sector. Please further indicate whether the State party has established a mechanism to ensure that the profits from oil and gas production benefit all ethnic groups without discrimination.

20. Please provide information on measures taken to protect and ensure the enjoyment by Afro-Guyanese people of their economic, social and cultural rights on equal footing with other citizens, in particular with regard to access to education, employment, housing, adequate health care and social security, and regarding environmental risks. Please also provide information on measures taken to prevent and protect Afro-Guyanese women from the multiple forms of discrimination they may face in many areas of life. Furthermore, please provide information on the setting up of a dedicated development fund to address particular inequalities faced by Afro-Guyanese people, especially women.

21. Please provide information on measures taken to prohibit and eliminate racial discrimination against people of Asian descent in all its forms in the territory of the State party.

22. Please provide information on measures taken to ensure the fair representation of all ethnic groups in public and political affairs, including in elected bodies and in the executive administration, including in high-level positions, at State, regional and communal levels and in the armed forces and the police. Please provide updated statistical information, disaggregated by age, gender and ethnicity, on the percentage, functions and seniority of minority representatives, including indigenous persons, holding public offices and government positions.

23. Please provide information on:

(a) Measures taken to combat, including through legislation, trafficking in persons in the State party, in particular persons from vulnerable communities, including indigenous persons and persons from the Bolivarian Republic of Venezuela;

(b) The number of cases of trafficking that have been addressed by national or local authorities, including information on investigations, prosecutions, convictions and sentences pronounced against those responsible, and the remedies and protection offered to the victims;

(c) Education measures and awareness-raising campaigns, including in indigenous languages, about the risks and the criminal nature of trafficking;

(d) Measures taken to cooperate with other countries in order to counter trafficking, in particular of women and girls from Guyana;

(e) Support provided for victims of trafficking in persons, in particular in hinterland areas, regarding long-term accommodation, rehabilitation and reintegration measures.

24. Please provide information on measures taken to prevent and protect migrants, in particular from the Bolivarian Republic of Venezuela, especially women, against racial discrimination, including xenophobia. Please also provide information on measures taken to remove obstacles faced in accessing birth registration, especially by migrant workers, and to ensure access to education for children of migrant workers, irrespective of the migration status of their parents. Please further provide information on steps taken to ensure that the rights of all migrant workers and members of their families are fully guaranteed in law and in practice, including with respect to due process and access to legal assistance, housing and employment. Moreover, please provide information on measures taken to prevent and combat labour exploitation and other forms of abuse against migrant workers.

25. Please provide information on steps taken towards the adoption of national refugee legislation, the development of policies and refugee status determination procedures that comply with international standards, and the establishment of a government agency responsible for receiving and screening asylum applications. Please also provide information on steps taken to introduce a statelessness determination procedure and efforts made to determine Guyanese nationality among returning Guyanese persons and their descendants.

26. Please provide information on measures taken to ensure that the rights of indigenous peoples to their lands, territories and resources are fully recognized and protected and that their free, prior and informed consent is obtained in respect of the adoption of legislation, policy and/or projects affecting their lands or territories and other resources. In particular, please provide:

(a) Information on progress achieved with respect to the revision and implementation of the Amerindian Act 2006, including with regard to land entitlement, and on the extent and impact of self-administration of indigenous communities at the local and the national levels;

(b) Information on measures taken to ensure that environmental impact assessments are undertaken and that the informed consent of the indigenous communities is being sought for all mining, logging and similar projects on indigenous lands, including the hydropower project at Amaila Falls;

(c) Examples of jurisprudence, if any, in which indigenous communities have challenged decisions on land entitlements in court, and information on the role of customary law within national jurisdiction in this regard;

(d) Information on steps taken to address the problems faced by indigenous peoples in obtaining their land titles, including delays in the process despite the statutory time frame, and the lack of inspections by relevant authorities with regard to illegal mining and logging in the hinterland areas.

27. Please also provide information:

(a) On steps taken to recognize and protect indigenous peoples' customary systems of land tenure or customary laws pertaining to land and resource ownership, and to recognize the collective territories that are held jointly by several communities;

(b) On steps taken to ensure clear criteria for the determination of indigenous peoples' land title areas;

(c) On steps taken to enable indigenous communities with land titles to manage and control resources within their territories;

(d) On steps taken to protect the land rights of indigenous peoples who still lack a legal land title or are in the process of obtaining one;

(e) On steps taken to restrict the broad range of exceptions that allow mining and logging activities by external investors without the free, prior and informed consent of the affected indigenous peoples;

(f) On steps taken to ensure that indigenous peoples have access to effective and prompt judicial and other remedies to seek protection of their rights;

(g) On the representation of indigenous peoples on the Ethnic Relations Commission.

28. Please provide information on steps taken to negotiate with the Wapichan community of Sawariwau village to agree on the boundaries of their land, to demarcate the agreed area and to provide Sawariwau village with the relevant title document.

29. Please provide updated information regarding the situation of the Akawaio indigenous villages of Tassarene and Kangaruma and of the Wapichan people of South Rupununi, in particular on steps taken to:

(a) Refrain from approving projects and granting mining concessions that affect the lands, territories and resources of indigenous peoples without obtaining their free, prior and informed consent, and to revoke such projects in Tassarene and Kangaruma and on Marudi Mountain to which indigenous peoples did not consent;

(b) Demarcate the lands of Tassarene and Kangaruma;

(c) Ensure that environmental and social impact assessments of the proposed mining project on Marudi Mountain are conducted with the participation of the Wapichan people.

30. Please provide information on the impact of the coronavirus disease (COVID-19) pandemic on groups and minorities protected under the Convention. Please also provide information on measures taken to:

(a) Ensure the participation of all groups, including minorities, and in particular women and children and persons with disabilities, in the design and implementation of the response to the COVID-19 pandemic;

(b) Protect people belonging to specific groups and minorities from the impact of the COVID-19 pandemic;

(c) Protect members of vulnerable groups against discriminatory acts and to counter hate speech and stigmatization in connection with the COVID-19 pandemic;

(d) Mitigate the socioeconomic impact of the COVID-19 pandemic on members of marginalized and vulnerable groups.

Article 6

31. Please provide information on the number of complaints received by the police, and cases brought to courts, tribunals and other administrative bodies, including the Ethnic Relations Commission and the Office of the Ombudsman, related to racial discrimination, and on their outcomes. Please also provide information on steps taken by the State party to shift the burden of proof in civil and administrative proceedings once the commission of an act of racial discrimination has been sufficiently substantiated by the complainant, and to allocate sufficient funds to witness protection programmes in cases concerning acts of racial discrimination.

32. Please provide information on measures taken to ensure that victims of racial discrimination, in particular Afro-Guyanese and indigenous persons, are aware of and have access to effective legal remedies in relation to acts of racial discrimination and can benefit from free legal-aid services.

Article 7

33. Please provide information on measures taken to prevent racial discrimination between different ethnic groups living in the territory of the State party, in particular between Indo-Guyanese and Afro-Guyanese groups, including by promoting reconciliation and

supporting programmes and institutions that foster intercultural dialogue, inter-ethnic harmony, and respect and understanding for the history, traditions and cultures of the different ethnic groups living in Guyana, in school curricula and among the general public.

34. Please provide information on measures taken to promote and preserve indigenous languages that are reportedly at risk of extinction, including the Warrau and Arawak languages.

35. Please provide information on measures taken to ensure that the history of indigenous peoples and of people of African descent in Guyana are accurately and adequately reflected in school curricula, including their achievements and contribution to the country's development.

36. Please provide information on human rights education, including in relation to the rights contained in the Convention, provided in school curricula and for the population in general.
