

Guyana's Opening remarks to the UNHRC on the outcomes of the first Universal Periodic Review of Guyana in May 2010

September 23, 2010

Mr. President,

Guyana is pleased to be represented here to present its response to its commitment to examine the 55 recommendations (70.1 to 70.55) reflected in the draft report of the Working Group of the UPR on our country in May this year.

I wish to remind this session that there were a total of 112 recommendations presented at the UPR in relation to our country; more than half of these, 57, enjoyed the support and or were being implemented by Guyana. The other 55 recommendations which Guyana agreed to report on before this session of the UNHRC are contained in its submitted addendum on recent progress made in the implementation of the 57 recommendations and its position in relation to the 55 recommendations.

It may be of interest to this Council that of the 57 recommendations which enjoy the support of the Government; 14 have been implemented; 40 are at various stages of implementation; 2 are pending implementation.

Of the 55 recommendations Guyana is pleased to report that 15 have been accepted; 28 will be considered and subjected to consultations wherein Guyana voluntarily commits to report to the UNHRC, and, 18 are noted.

Guyana wishes to report its specific response to each of the 55 recommendations as follows:

Recommendations relating to the remaining human rights instruments (70.1 to 70.13) Guyana supported 6; partially supported sections of 2 (70.4 and 70.6) ; voluntarily commits to consult and report to the UNHRC in two years time on the abolition of the death penalty (70. 9) ; voluntarily commits to consult and report in one year's time in relation to 70.10, 70.11 and 70.12 concerning the ILO No. 169, and noted the balance.

Since its appearance before the UPR and as reported in the addendum, Guyana acceded to the 2 Optional Protocols on the Convention on the Rights of the Child and ratified the International Convention on the Protection of Rights of Migrant Workers and their Families.

Recommendation 70.14 concerning the adoption of national refugee legislation, due to limited resources, Guyana does not consider such legislation a priority as this time nor is it an issue. 70.14 was noted.

Recommendations 70.15-70.18 relating to standing invitations to special procedures, Guyana noted these, and, reiterates its readiness to continue to respond to invitations and to offer full collaboration with the mandate holders cooperation. Guyana has made efforts over the least 2 years to improve its responsiveness to the many requests for information and questionnaires from the various mandate holders in the OHCHR and the IACHR and has committed to conclude its outstanding State Party reports before the end of 2010.

Recommendation 70.19 concerning the invitation to the Special Rapporteur on Torture, Guyana volunteered to consider and report to the UNHRC.

Guyana supported recommendations 70.20, 70.21 and 70.22. In relation to 70.21 and 70.22 Guyana emphasizes that the completion of the appointment of the 4 constitutional Human Rights Commissions (the Ethnic Relations, the Women and Gender Equality, Rights of the Child and the Indigenous Peoples Commissions) with offices and budgetary allocations provide for advocacy as change agents and complaints mechanisms with investigative mandates and redress. The prohibition in the revised 2003 constitution of all forms of discrimination and a bevy of statutory instruments allow for complaints, redress and rectification where it does occur. Guyana emphasizes there is no state condoned or directed discrimination of any form.

In relation to Recommendations 70.23 to 70.35 on the abolition of the death penalty, which illicit public opinion strongly in favour of its retention at this time, Guyana voluntarily commits to continue to consider and consult on the abolition of the death penalty and to report to the UNHRC in 2 years. With this

in mind, Guyana has tabled an amendment to the Criminal Law (Offences) Act which provides for varied sentences for different categories of murder including life imprisonment and lesser periods and access to parole. A copy of the amendment has been shared with the UNHRC and this bill will be debated in the National Assembly in October 2010.

Recommendations 70.36 to 70.41 relate to the abolition of corporal punishment, another issue where public opinion is not in favour of its removal, Guyana has voluntarily committed to consult and report on the results of the consultative process. Note should be taken that consultations are on-going on the draft Education Bill which includes discussion on this issue. The Protection of Children Act 2009, the Domestic violence Act 1997 and the Child Care Protection Agency offer a legislative and administrative framework to protect children from abuse. Furthermore, Guyana has tabled amendments to the Training School Act and the Juvenile Offenders Act which will remove corporal punishment from juvenile detention centres as an indication of its commitment to protecting children from all forms of abuse. These bills will be debated in October 2010 in the National Assembly.

Recommendation 70.42 is supported. Guyana reiterates the constitutional provisions adumbrated in the addendum of no longer than 72 hours of detention prior to being charged and 3 months for an accused to be brought before the courts.

In relation to Recommendation 70.43 , Guyana supported and volunteered to report the outcomes of the consultations in relation to the new draft Juvenile Justice Bill which is on-going

Recommendations 70.44 and 70.45 were not accepted and the reasons are elaborated in the addendum. With reference to 70.46, Guyana supported the first part of the recommendation and noted the second part. Guyana reiterates the commitment made to the UPR that it will continue to investigate based on available information and witnesses of all those responsible for the wave of criminal violence in 2002-2008 whether they were part of the violent criminal

gangs or the "Phantom Squad". The addendum highlights the establishment of a Special Investigative Unit (footnote xxiii)

Recommendations 70.47 to 70.53 refer to decriminalizing consensual same sex relations and ending discrimination against gays, lesbians, bi-sexuals and transgenders. Whilst the state does not discriminate against persons based on their sexual orientation Guyana does not deny that interpersonal prejudices exist based on cultural and religious beliefs. Guyana is voluntarily committing to hold consultations over the next 2 years and based on the outcomes of this democratic process, these will be reflected in its domestic laws. This session may be reminded that the government did attempt to include " sexual orientation" in the new anti-discrimination clause in the revised constitution but this was defeated in 2003.

Recommendations 70.54 and 70.55 were noted based on Guyana's position in relation to 70.14



The Government of Guyana therefore has made commitments in relation to 28 recommendations which relate to controversial issues which illicit strong public opinions. Guyana will continue to consider and consult on the abolition of the death penalty (13), corporal punishment (6), decriminalizing consensual same sex relations (7). With regard to the recommendations regarding ILO No. 169 Guyana has committed to report in one year's time as well as increasing the age of criminality.

In addition to the progress reported in the addendum, Guyana wishes to highlight the following:

- i) The Indigenous Peoples Commission, the 4th and last human rights commission to be appointed, was approved by the National Assembly in July and appointed by HE the President on September 15th . This is the only one of its kind in the region;
- ii) The public assension of the new Sexual Offences Act in the presence of 1000 members of civil society and state agencies demonstrated the development of a

stronger government-ngo partnership; since its enactment 350 police have received training on domestic violence through a GOG/ UNICEF programme; a new intervention with Guyanese Faith Based Organizations in the diaspora and those in Guyana in partnership with the Ministries of Human Services, Health, Education and Home Affairs to prevent and reduce domestic violence will commence in October. A number of Domestic Violence Units have been established in some of the of 7 police divisions.

- iii) Guyana has tabled in August in the National Assembly amendments to 3 statutes – The Training School Act, the Juvenile offenders Act and the Criminal Law (Offences) Act. Guyana is of the view that these amendments indicate Guyana's interest in meeting its treaty obligations. These amendments are its initial responses to 20 of the 55 recommendations.

- iv) Sections in the addendum which treat with the reform and modernization of the security and justice sectors have included civil society, the broad-based National Commission on Law and Order, parliamentary special select committees, the National Assembly, and these interventions have led to some improvements in the administration of justice and rule of law. Government reiterates its commitment of zero tolerance of torture in compliance with the constitution and it has taken steps to address these cases expeditiously.

Guyana is committed to holding consultations with civil society, the 4 Human Rights Commissions, various levels of government and state agencies, and the National Assembly on the follow up to the First Round UPR process which will conclude today.

In relation to the Optional Protocol on children in armed conflict which Guyana acceded to, Guyana wishes to assure this assembly that 14 year olds have not been recruited into the Guyana Defence Force for more than 30 years. However, in order to be in compliance with this Protocol, Guyana will

remove the relevant clause in the Defence Act before the end of the year which provides for 14 year olds to be recruited.

Guyana assures the Human Rights Council that as a developing country and a newly emerging democracy with many challenges to reduce poverty and to develop and modernize the country, Guyana is nevertheless proud of its constitutional and parliamentary reforms and its model of shared governance. However it must be recognized that these were introduced only 7 years ago.

Guyana's Low Carbon Development Strategy and its second Poverty Reduction Strategy Programme (2008-2012) form the basis of Guyana's developmental agenda. Guyana is also proud of its socio-economic achievements and its budgetary commitment to poverty reduction, although it recognizes that there is still much more to be overcome. Guyana remains committed to achieving equitable access to the delivery of goods and services especially for the poor and vulnerable- women, children, elderly, Amerindians, differently abled- as evidenced by its programmes and policies within its available resources.

Guyana assures the UNHRC that it remains irrevocably committed to democracy and the protection of human rights, rule of law, and good governance for its people.