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Report of the Working Group on the Universal Periodic Review*

Guyana

Addendum


Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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<i>Recommendation</i>	<i>State position</i>	<i>Comments</i>
Thematic area 1: Human rights mechanisms and policy measures		
Right to life – Death penalty 132.1;132.2;132.3;132.4;132.5; 132.6;132.43; 132.44; 132.45;132.46; 132.47; 132.48;132.49	Noted	<p>Guyana notes these recommendations because the death penalty is still part of the laws of Guyana. A de facto moratorium has been in place since 1997 and as a result over 15 prisoners on death row have had their sentence commuted to life imprisonment and some of them will be coming up for parole in the next 3 years. The <i>Criminal Law Offences (Amendment) Act 21 of 2010</i> removed the mandatory death penalty for persons convicted of murders and made provisions for life imprisonment and imprisonment with the possibility of parole. The death penalty was retained in limited cases such as murder of a police officer on duty or treason.</p> <p>It is anticipated the matter will continue to engage the attention of the Parliamentary Special Select Committee in the recently convened 11th Parliament.</p>
Women’s rights 132.7;132.8;132.9	Noted	<p>Guyana is committed to the observance of rights of women as set out in the <i>Convention on the Elimination of All Forms of Discrimination against Women</i> and incorporated into domestic law in the Constitution of Guyana. However, it is the view of the Government that the Women and Gender Equality Commission and other Human Rights Commissions established by the Constitution as well as the Supreme Court of Guyana provide easily accessible and timely relief where it is alleged that a right has or is being violated.</p>
American Convention on Human Rights 132.10	Noted	<p>Guyana is committed to the observance of human rights and promulgation of the principles of the <i>Charter of the Organisation of American States</i>. Most of these rights are already enshrined in Guyana’s Constitution.</p> <p>However, Guyana is not in a position to become a State Party to the ACHR at this juncture as outstanding issues including the position on the death penalty and LGBT need to be resolved. These are expected to engage the attention of the Eleventh Parliament.</p> <p>Nevertheless, Guyana is confident that adequate safeguards exist to protect the fundamental and human rights of all Guyanese.</p>

Torture 132.11; 132.12; 132.13; 132.14;132.15;132.50	Noted	<p>Guyana notes these recommendations. The Constitution of Guyana strictly prohibits torture and mistreatment of detainees and inmates. The Government of Guyana has publicly gone on record and condemned any form of abuse and torture and repeatedly demanded that any allegation of torture and mistreatment of citizens, including prisoners, must be expeditiously investigated and action taken against defaulting ranks.</p> <p>The Police Office of Professional Responsibility and Criminal Investigation Department, along with the recently strengthened Police Complaints Authority and the Chambers of the Director of Public Prosecutions have all been playing a pivotal role in the prevention and prosecution for torture.</p>
Enforced disappearance 132.17	Noted	<p>Guyana notes this recommendation and has initiated the relevant consultation processes to accede to the <i>International Convention for the Protection of All Persons from Enforced Disappearance</i>.</p>
Genocide 132.18	Noted	<p>Guyana recognizes that the crime of genocide is reprehensible and condemned by the civilized world. Please be reminded that Guyana is a party to the <i>Rome Statute of the International Criminal Court</i> which criminalises genocide.</p>
International Criminal Court 132.20	Noted	<p>Guyana, as a party to the <i>Rome Statute of the International Criminal Court</i>, is cognisant of the obligations arising therefrom and undertakes to enact the relevant laws.</p>
National human rights institution 132.21; 132.22; 132.23	Accepted	<p>Guyana accepts these recommendations. The Constitution of Guyana establishes a Human Rights Commission, Women and Gender Equality Commission, Indigenous People's Commission, Rights of the Child Commission and Office of the Ombudsman.</p>
Cooperation with special procedures 132.24;132.25;132.26; 132.27	Noted	<p>There is willingness on Guyana's part to accommodate and cooperate with all UN bodies. However, a commitment for a standing invitation to all special procedures may not be within the capacity of the government at this time.</p>

Women, peace and security 132.28	Accepted	Guyana accepts this recommendation. Guyana will continue to make every effort to safeguard the women and children from the effects of conflict and violence.
LGBT discrimination 132.29;132.30;132.31;132.32;132.33; 132.34;132.35;132.36;132.37;132.38; 132.39;132.40;132.41;132.42	Noted	The Government of Guyana undertakes to reconvene the Parliamentary Special Select Committee to receive and hear submissions on the attitude of Guyanese to any changes in legislative provisions and the criminal laws regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons.
Thematic area 2: Children		
Corporal Punishment 132.51;132.52;132.53;132.54;132.55	Noted	The Government of Guyana undertakes to reconvene the Parliamentary Special Select Committee to receive and hear submissions on the attitude of Guyanese to any changes in legislative provisions permitting corporal punishment. Substantial public consultation on the issue has already been completed. At present, there is in place a Manual of Guidelines for the <i>Maintenance of Order and Discipline in Schools</i> which significantly curtails the instances in which corporal punishment can be administered. The <i>Training School (Amendment) Act 2010</i> and the <i>Juvenile Offenders (Amendment) Act 2010</i> abolished corporal punishment in juvenile correctional institutions. The <i>Child Care and Development Services Act (2011)</i> also prohibits corporal punishment in institutional residences.
Optional Protocol to Convention on Rights of the child – Communications procedure 132.16	Noted	Guyana notes this recommendation and wishes to remind that the protection of children is given the highest priority. The <i>Protection of Children Act 2009</i> provides several avenues for protection of children. There is also the Childcare and Protection Agency within the Ministry of Social Protection and Schools Welfare Department within the Ministry of Education which oversee the best interests of children in Guyana.

Thematic area 3: Investigation of complaints against security forces

Put in place an independent organ to investigate complaints of abuses perpetrated by members of the country's security forces 132.56	Accepted	Parliamentary oversight is provided in this area by the Security Sectoral Committee. The Office of Professional Responsibility and the Police Complaints Authority are also independent organs which investigate complaints of wrongdoing by members of the Guyana Police Force. Reports of all investigations are forwarded to the Director of Public Prosecutions for legal advice.
Thematic area 4: Juvenile Justice		
Age of criminal responsibility 132.57; 132.58;132.59;132.60	Noted	A draft legislative instrument addressing Juvenile Justice is under consultative review by the Government of Guyana, after which definitive consideration would be given to these matters.
Thematic area 5: Freedom of expression		
Online freedom of expression and defamation 132.61	Noted	The Government of Guyana notes this recommendation and reminds that freedom of expression is enshrined in <i>Article 146 of the Constitution of the Co-operative Republic of Guyana</i> . The Government of Guyana acknowledges that modernization of local laws is required and will explore this area in due course.
Thematic area 6: Education		
Quality of education and dropout rates 132.62;132.63	Accepted	Government accepts these recommendations. The government will continue to engage various stakeholders, including parents, to significantly reduce the school dropout rate and improve the quality of education as set out in the Ministry of Education Strategic Action Plan 2014-2018.
Thematic area 7: Indigenous people		
Quality of life for indigenous people 132.19;132.64	Accepted	Government accepts these recommendations and has initiated the relevant consultation processes to sign and ratify the Indigenous People's Convention. It is noted that the <i>Amerindian Act of 2006</i> relies on the Convention and there are several programmes ongoing to improve the lives of Guyana's Indigenous people.