



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Guyana

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. In 2015, the Committee on Economic, Social and Cultural Rights encouraged Guyana to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.³ It also invited Guyana to consider ratifying the American Convention on Human Rights and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.⁴

3. In 2018, the Working Group of Experts on People of African Descent recommended that Guyana ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁵

4. In 2019, the Committee on the Elimination of Discrimination against Women encouraged Guyana to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁶

5. Two Committees recommended that Guyana ratify the International Convention for the Protection of all Persons from Enforced Disappearance.⁷

6. The country team noted that Guyana had not ratified the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) despite having supported a recommendation from the second cycle of the universal periodic review to do so.^{8, 9}



7. Two Committees, the country team and the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Guyana ratify the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁰

8. The country team noted that, in 2019, Guyana had ratified or acceded to several international instruments related to the protection of children.¹¹

9. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Guyana to ratify the Convention against Discrimination in Education and to continue its efforts to submit national reports for the periodic consultations on the education-related, standard-setting instruments of UNESCO on a regular basis.¹²

10. Guyana is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva and through a Human Rights Adviser based in the region, who supports the United Nations country teams in the English-speaking Caribbean.¹³

III. National human rights framework¹⁴

11. With regard to the relevant recommendation from the second cycle of the universal periodic review,¹⁵ in 2018 the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned that the Human Rights Commission, mandated under article 2120 of the Constitution to monitor the observance of international instruments to which Guyana had acceded, was still not operational.¹⁶ Three committees recommended that Guyana finalize the process of establishing the Commission and allocate adequate financial and human resources in order for it to carry out its mandate.¹⁷

12. Two committees were concerned that Guyana had not taken steps to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and recommended that the State party expedite the establishment of such an institution.¹⁸

13. The country team noted that Guyana had not yet established a national mechanism for reporting and follow-up.¹⁹

14. In 2017, the United Nations Development Programme noted that, following a request from the Government of Guyana, a United Nations team of experts had visited the country and identified a wide consensus among national stakeholders on the need for constitutional reform as well as a demand for such a process to be inclusive, transparent and participatory.²⁰

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²¹

15. The Committee on Economic, Social and Cultural Rights was concerned about ethnic discrimination, in particular in the context of the relationship between Afro-Guyanese and Indo-Guyanese, and about the widespread discrimination based on sex, disability, sexual orientation and gender identity, and health status. It was further concerned that the 1997 Prevention of Discrimination Act was mainly applicable to the employment sector and did not cover all grounds of discrimination.²²

16. The Working Group of Experts on People of African Descent recommended that Guyana adopt a national plan of action against racial discrimination developed with the involvement of civil society entities and associations representing people of African descent.²³ It also recommended that Guyana undertake impact-oriented activities in the framework of the International Decade for People of African Descent.²⁴

17. The Committee on the Elimination of Discrimination against Women noted with concern the persistence of discriminatory sex- and gender-based stereotypes and social inequalities between women and men, which were perpetuated through media and advertising.²⁵ It recommended that Guyana reinforce awareness-raising to eliminate discriminatory stereotypes.²⁶

18. The country team recommended that Guyana amend article 149 of its Constitution to prohibit discrimination based on sexual orientation and conduct the necessary parliamentary consultations on the draft amendment to the Prevention of Discrimination Act to include sexual orientation and gender identity as grounds for non-discrimination.²⁷

19. The country team noted that in 2018 the Caribbean Court of Justice had struck down the colonial era, discriminatory law against cross-dressing.²⁸ However, it noted that the Criminal Law (Offences) Act still criminalized “acts of gross indecency” between males and “buggery” and recommended that Guyana repeal such legislation.²⁹

2. Development, the environment, and business and human rights³⁰

20. The Committee on the Elimination of Discrimination against Women noted the integration of gender equality as a cross-cutting principle of the Green State Development Strategy: Vision 2040 of Guyana. It was concerned, however, that the continuing and expanding extraction of oil and gas in Guyana and the resulting greenhouse gas emissions could undermine its obligations to women’s empowerment and gender equality, as the resulting environmental degradation and potential natural disasters had a disproportionate impact on women, in particular those in situations of poverty.³¹ It recommended that Guyana review its climate change and energy policies and develop a disaster risk reduction strategy that took into account the negative effects of climate change on gender equality and on the lives of women and their families, especially those living in areas below sea level.³²

B. Civil and political rights

1. Right to life, liberty and security of person³³

21. With regard to the relevant recommendations,³⁴ the country team noted that Guyana had not yet established an independent authority to investigate complaints of abuses perpetrated by the security forces.³⁵

22. The Working Group of Experts on People of African Descent recommended that Guyana prohibit racial profiling by law and put in place a complaint mechanism to address that problem.³⁶

23. The country team noted that, in 2017, a total of 2,004 persons deprived of their liberty were being detained in five facilities with a combined capacity of 1,179. It also noted that prison conditions had not improved for persons with disabilities.³⁷ The Working Group of Experts on People of African Descent stated that overcrowding in prisons and detention centres must be addressed as a matter of urgency. It also stated that measures should be taken to improve infrastructure and conditions of hygiene and to ensure that conditions of detentions were in conformity with minimum international standards.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

24. The Committee on Economic, Social and Cultural Rights recommended that Guyana address the root causes of corruption, including by enhancing transparency, participation and accountability in the conduct of public affairs, and also recommended that the State party take steps to effectively combat impunity in cases of corruption through strict

application of anti-corruption laws. The Committee also encouraged Guyana to seek technical assistance from relevant international and regional organizations in that regard.⁴⁰

25. The Working Group of Experts on People of African Descent learned that the judicial system was undermined by the excessive length of proceedings, especially at the pretrial stage, and that the enjoyment of the right to legal representation was often limited to those who could afford to pay. It strongly encouraged Guyana to make efforts to reform its judicial system and to take steps to ensure that the right to a fair trial without undue delay was guaranteed.⁴¹

26. The Committee on the Elimination of Discrimination against Women welcomed the recent increase in the representation of women among magistrates, the establishment of courts in all 10 regions of the country and the support granted for the functioning of Legal Aid Clinics in 4 regions.⁴² It recommended that Guyana allocate adequate resources for the establishment of legal aid clinics in regions 1, 3 and 7 to 9; ensure the effective functioning of all clinics in the State party; and establish mobile courts in hinterland areas.⁴³

27. The same Committee recommended that Guyana increase awareness-raising, including in the local languages, on women's rights and on available legal remedies, to encourage women to approach the competent authorities when their rights were violated.⁴⁴

28. The Committee on Migrant Workers recommended that Guyana take measures to facilitate access to justice for all migrant workers, including the removal of linguistic obstacles preventing them from filing complaints about abuse and violations.⁴⁵

3. Fundamental freedoms and the right to participate in public and political life⁴⁶

29. The Committee on Migrant Workers recommended that Guyana ensure that Guyanese migrant workers residing abroad were able to effectively exercise their rights to participate in public affairs and to vote.⁴⁷

30. UNESCO noted that defamation and libel were criminal offences under article 113 of the Criminal Law (Offences) Act and encouraged Guyana to decriminalize them and place them within the civil code in accordance with international standards.⁴⁸ UNESCO also encouraged Guyana to assess the system for issuing broadcast licences and appointing the members of the Governing Board of the Guyana National Broadcasting Authority in order to ensure that those processes were transparent and independent.⁴⁹

31. The Committee on Economic, Social and Cultural Rights recommended that Guyana continue working to expand Internet access in the hinterland and rural areas.⁵⁰

4. Prohibition of all forms of slavery⁵¹

32. The Committee on the Elimination of Discrimination against Women welcomed the launch of a national plan of action for the prevention of and response to trafficking in persons for the period 2019–2020 and the opening of a safe house in Georgetown and of two transit facilities for victims of trafficking outside Georgetown. It was concerned, however, that Guyanese women and girls, particularly from hinterland areas and vulnerable communities, continued to be trafficked, and that Guyana continued to be a source and destination country for trafficking in women and girls.⁵² The Committee was also concerned at the high rates of exploitation of prostitution in Guyana, especially on mining sites and in border regions.⁵³

33. The Committee recommended that Guyana systematically collect disaggregated data on both trafficking in persons and exploitation of prostitution; build the capacity of relevant officials on gender-sensitive protocols for dealing with victims of trafficking; strengthen support, rehabilitation and reintegration services for survivors of trafficking; carry out nationwide education and awareness-raising campaigns, including in indigenous languages, about the risks and criminal nature of trafficking; investigate reported cases of corruption and official complicity; and ensure that perpetrators of trafficking-related crimes were punished with sentences commensurate with the gravity of the crime.⁵⁴

5. Right to privacy and family life

34. The Committee on the Elimination of Discrimination against Women noted with concern that 27 per cent of women in Guyana got married before they reached the age of 18 years and that such marriages were legal with judicial authorization.⁵⁵ It recommended that Guyana establish the minimum legal age of marriage at 18 years, conduct comprehensive awareness-raising campaigns to challenge cultural attitudes that legitimize child marriage and ensure that all marriages were registered.⁵⁶

35. The Committee welcomed the adoption in 2014 of the Married Persons (Property) (Amendment) Act, which provided for the recognition of common law unions and the division of property in such unions, as well as in marriage.⁵⁷

36. The Committee recommended that Guyana promote the equal sharing of domestic and family responsibilities between women and men, including by introducing paternity or shared parental leave following childbirth and by providing a greater number of affordable and accessible childcare facilities. It also recommended that Guyana ensure access for single mothers to support services, including by removing the requirement for a minimum number of children from the legal definition of “single mothers”.⁵⁸

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁹

37. The Committee on Economic, Social and Cultural Rights welcomed the introduction of a minimum wage in the public sector but was concerned at the absence of a national minimum wage and recommended that Guyana establish it.⁶⁰

38. The same Committee was concerned that unemployment rates were disproportionately high among youth, women, persons with disabilities, Amerindians and persons living in the hinterland areas. It recommended that Guyana develop targeted measures, including quota systems and incentives to employers, with a time frame in order to increase employment opportunities for these groups.⁶¹

39. The Committee on the Elimination of Discrimination against Women noted the increase in women’s labour force participation from 35 per cent in 2012 to 43.6 per cent in 2017 and the ongoing consultations to formalize access to social security benefits for women in the informal sector. However, it remained concerned about the underrepresentation of women, especially indigenous women and women with disabilities, in the active labour force; the high proportion of women engaged in the informal economy and in unpaid work; the persistence of vertical and horizontal occupational segregation in employment; the persistence of sexual harassment in the workplace; and the significant gender pay gap.⁶²

40. In 2016, the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization reiterated its observation on the need that Guyana amend section 2 (3) of the Equal Rights Act No. 19 of 1990, which provided for equal remuneration for the same work or work of the same nature, in order to bring it into conformity with the provisions of the Equal Remuneration Convention, 1951 (No. 100), and align it with the Prevention of Discrimination Act No. 26 of 1997, which both provided for the principle of equal remuneration for work of equal value.⁶³

41. The Committee on Migrant Workers recommended that Guyana strengthen labour inspection services to effectively monitor conditions of domestic work and to receive, investigate and address complaints of alleged violations.⁶⁴

42. The Working Group of Experts on People of African Descent recommended that Guyana implement adequate policies to prevent and effectively prosecute sexual harassment in the labour environment.⁶⁵

2. Right to social security

43. The Committee on Economic, Social and Cultural Rights recommended that Guyana take all necessary steps to ensure that all employees and self-employed persons were covered by the National Insurance Scheme and that the benefit amounts, particularly Old Age Benefits, Old Age Pensions and child allowances, were adequate. The Committee also recommended that Guyana provide social protection to those who could not afford to contribute to the National Insurance Scheme through State-supported social assistance programmes and that Guyana consider establishing an unemployment benefit programme.⁶⁶

3. Right to an adequate standard of living⁶⁷

44. The Committee on Economic, Social and Cultural Rights was concerned at the large percentage of people living in extreme poverty and the disproportionately high poverty rates among people living in the hinterland areas, mainly Amerindian people, people living in rural areas, young people and households headed by women, and recommended that Guyana intensify its efforts to eradicate poverty.⁶⁸

45. The same Committee was concerned at the absence of an effective data-collection system, which hampered the robust analysis of the actual realization and progress of economic, social and cultural rights and the development of effective policies. It recommended that Guyana establish such a system, including through strengthening the human, financial and technical capacity of the Bureau of Statistics.⁶⁹

46. The Working Group of Experts on People of African Descent recommended that Guyana establish dedicated development funds to empower people of African descent who had been left behind.⁷⁰

47. The Committee on Economic, Social and Cultural Rights was concerned that, in spite of many efforts by Guyana, the number of people living in informal settlements remained high and that those living in such settlements, particularly in zero-tolerance areas, were vulnerable to forced evictions.⁷¹ The country team noted that in 2018 Guyana had launched an adequate housing and urban accessibility programme to develop sustainable housing schemes.⁷²

48. While noting good progress in overall access to water and sanitation, the Committee on Economic, Social and Cultural Rights remained concerned that, in particular, people living in the hinterland areas still had very limited access to safe drinking water and sanitation facilities, as well as to electricity.⁷³ The country team noted that Guyana was improving the availability of clean water through the expansion of water service coverage on the coast and in the hinterland areas and a nationwide water-quality surveillance programme.⁷⁴

4. Right to health⁷⁵

49. The Committee on Economic, Social and Cultural Rights recommended that Guyana intensify its efforts to improve the availability, accessibility and quality of health-care services. It also recommended that Guyana address the regional disparity in accessing health-care services and ensure that all health-care posts or health-care huts in the hinterland and rural areas were equipped with trained and qualified health-care professionals and essential medicines.⁷⁶

50. The country team noted that Guyana had the highest rate of adolescent pregnancy in the English-speaking Caribbean.⁷⁷ The Committee on the Elimination of Discrimination against Women welcomed the approval of a sexual and reproductive health policy, the establishment of maternity waiting homes and the efforts undertaken by Guyana to combat the prevalence of HIV/AIDS. However, it noted with concern the insufficient access to family planning services, the rise in maternal mortality rates (229 per 100,000 live births) and high infant mortality rates (26 per 100,000 live births), as well as stigmatization of women living with HIV/AIDS.⁷⁸

51. The Committee recommended that Guyana roll out its maternal and child health programme in all hinterland regions and integrate mandatory training on sexual and reproductive health and rights, including on methods and services of contraception, in

training for health and social workers. It also recommended that Guyana expedite the expansion of obstetrical and gynaecological services throughout the country to ensure that all births were attended by skilled health personnel, in line with targets 3.1 and 3.7 of the Sustainable Development Goals.⁷⁹

52. The Working Group of Experts on People of African Descent urged Guyana to introduce urgently programmes aimed at reducing the suicide rate.⁸⁰ The Committee on the Elimination of Discrimination against Women took note of the ongoing survey to establish the root causes of suicide in Guyana and recommended that Guyana build on the results of this survey to reinforce measures addressing the mental health situation of young women and girls.⁸¹

5. Right to education⁸²

53. The Committee on the Elimination of Discrimination against Women welcomed measures taken to achieve universal school enrolment, which allowed Guyana to reach gender parity in primary and secondary education.⁸³ UNESCO recommended that Guyana take measures to ensure that more children were enrolled in secondary education.⁸⁴

54. UNESCO recommended that Guyana continue its efforts towards quality education at all levels of education and among all regions and improve data collection in order to assess progress of the education system and, notably, the Education Sector Plan 2014–2018.⁸⁵

55. The Committee on Economic, Social and Cultural Rights recommended that Guyana take all the necessary steps to support and preserve indigenous languages at risk of extinction and to enhance integration of indigenous cultures in the education system.⁸⁶

56. The Working Group of Experts on People of African Descent urged Guyana to revise and develop specific curricula and corresponding teaching materials that respected and recognized history, including the transatlantic trade in Africans.⁸⁷ It stated that school curricula should also serve to promote interracial harmony and respect for the tradition and cultures of the different ethnic groups living in Guyana.⁸⁸

57. The Committee on the Elimination of Discrimination against Women recommended that Guyana make mandatory the inclusion in curricula, at all levels of education, of comprehensive and age-appropriate education on sexual and reproductive health and rights for girls and boys.⁸⁹ It also recommended that Guyana enforce a zero-tolerance policy on sexual abuse and harassment in schools.⁹⁰

58. The country team noted that in 2018 the Ministry of Education of Guyana had started implementing the National Policy for the Reintegration of Adolescent Mothers into the Formal School System, but that the Ministry had placed emphasis on integrating adolescent mothers into facilities such as the Carnegie School of Home Economics instead of reintegrating them into secondary schools.⁹¹

59. The Committee on Migrant Workers recommended that Guyana ensure access to education for children of migrant workers, irrespective of the migration status of their parents.⁹²

D. Rights of specific persons or groups

1. Women⁹³

60. The Committee on the Elimination of Discrimination against Women remained concerned that the definition of discrimination in its Constitution, the Prevention of Discrimination Act (1997) and the Equal Rights Act (1990) was not in line with articles 1 and 2 of the Convention. It reiterated its previous recommendation that Guyana expedite the adoption of a comprehensive definition of discrimination against women, which covered direct, indirect and intersecting forms of discrimination in the public and private spheres, in line, *inter alia*, with target 5.1 of the Sustainable Development Goals.⁹⁴

61. The same Committee welcomed the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption of the national gender and social inclusion policy in 2018.⁹⁵ The country team recommended that Guyana accelerate the implementation of such policy.⁹⁶

62. The Committee on the Elimination of Discrimination against Women recommended that Guyana increase the human, technical and financial resources allocated to the Gender Affairs Bureau and enhance the gender-specific expertise among its staff to enable it to coordinate efforts to promote gender equality, mainstream gender equality across government policies and introduce gender-responsive budgeting.⁹⁷ The country team recommended that Guyana allocate the necessary additional resources to enable the Women and Gender Equality Commission to promote equality and mainstream gender equality.⁹⁸

63. The Committee on the Elimination of Discrimination against Women welcomed the 40 per cent representation of women in the Cabinet. However, it noted with concern the lack of measures taken to achieve equal representation of women and men in political and public life.⁹⁹ The Committee recommended that Guyana amend its election, representation of the people and local government acts with a view to placing candidates of both sexes in alternating positions on electoral lists and by introducing statutory quotas for women in national and local legislative assemblies.¹⁰⁰

64. The Working Group of Experts on People of African Descent noted that Afro-Guyanese women often faced inequalities and multiple forms of discrimination on the grounds of their race, colour, gender and religious belief.¹⁰¹

65. The Committee on the Elimination of Discrimination against Women welcomed the efforts made by Guyana, but was concerned at the increase in the number of cases of gender-based violence, particularly in region 4.¹⁰² It recommended, inter alia, that Guyana increase the human, technical and financial resources allocated to the National Domestic Violence Oversight Committee and the National Task Force for the Prevention of Sexual Violence in order to effectively coordinate the implementation of the Domestic Violence Act (1996) and the Sexual Offences Act (2010); create dedicated sections and/or time slots for the consideration of sexual offences in courts in hinterland areas; expedite the implementation of the essential services package for victims of gender-based violence; and establish shelters and crisis centres for victims in all regions.¹⁰³

2. Children¹⁰⁴

66. UNHCR welcomed the efforts of Guyana to achieve universal birth registration and encouraged the relevant authorities to continue their plans to facilitate birth registration of vulnerable communities and those in remote areas.¹⁰⁵

67. The country team noted that the use of corporal punishment in schools and in the home remained an issue.¹⁰⁶ The Committee on the Elimination of Discrimination against Women recommended Guyana to explicitly prohibit corporal punishment in all settings.¹⁰⁷

68. The Committee on Migrant Workers expressed concerns at reports of children of migrant parents who remained behind and at the lack of adequate social support and assistance provided to them.¹⁰⁸

69. The country team noted that, since the last universal periodic review, Guyana had adopted some notable legislative and policy changes to enhance the protection of children, including a national policy on child labour, adopted in 2019. It recommended that Guyana increase investments to address the underlying socioeconomic and cultural factors that perpetuated the abuse and exploitation of children.¹⁰⁹

70. The country team noted that in 2018 Guyana adopted the Juvenile Justice Act, which repealed the 1931 Juvenile Offenders Act and was intended to transform the delivery of juvenile justice and minimize the criminalization of young people. It also noted that, pursuant to the Act, a children's court was established in October 2018.¹¹⁰

71. The Committee on Economic, Social and Cultural Rights recommended that Guyana prevent the separation of children from their families and provide various options of alternative care for children deprived of a family environment.¹¹¹

3. Persons with disabilities¹¹²

72. The Committee on Economic, Social and Cultural Rights recommended that Guyana take all necessary measures to ensure that persons with disabilities fully enjoy their economic, social and cultural rights, particularly in the areas of employment, social security, health care and education, without discrimination. It also recommended that Guyana intensify its efforts to provide reasonable accommodation to persons with disabilities in order to enhance their ability to access buildings and facilities.¹¹³

73. The Committee on the Elimination of Discrimination against Women noted with concern that women and girls with disabilities were exposed to multiple forms of discrimination.¹¹⁴

74. The country team noted that the legislation of Guyana still promoted seclusion and restraints as the main way to provide mental health treatment. It stated that the Mental Health Ordinance 1933 required a substantial revision in order to be in full compliance with human rights standards, in particular with the Convention on the Rights of Persons with Disabilities.¹¹⁵

4. Minorities and indigenous peoples¹¹⁶

75. The Committee on Economic, Social and Cultural Rights was concerned at the limitations of the Amerindian Act (2006) in recognizing and protecting the rights of indigenous peoples, namely Amerindians, including: (a) the lack of recognition and protection of indigenous peoples' customary systems of land tenure; (b) the absence of clear criteria on which Amerindian land titles were determined; (c) the limitations of indigenous communities with land titles to manage and control resources within their territories; and (d) the protection of land rights of indigenous peoples who still lacked a legal title or were in the process of obtaining it.¹¹⁷ The Committee recommended that Guyana revise the Amerindian Act and other relevant laws with a view to ensuring, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, that the Amerindian people's rights to their lands, territories and resources were fully recognized and protected.¹¹⁸

76. The same Committee recommended that the Amerindian people's right to free, prior and informed consent was obtained in respect of the adoption of any legislation, policy and/or project affecting their lands or territories and other resources.¹¹⁹ The country team stated that Guyana had made efforts to engage and to include indigenous persons in decision-making processes, including through their representation in decision-making with regard to land titling at all levels.¹²⁰

77. The Committee on Economic, Social and Cultural Rights was concerned at the lack of inspections by relevant authorities on illegal mining and logging in the hinterland areas and at some court rulings that supported mining activities without obtaining the free, prior and informed consent of the affected communities.¹²¹

5. Migrants, refugees, asylum seekers and internally displaced persons

78. The Committee on Migrant Workers noted that Guyana had traditionally been a country of origin of migrant workers, but that it was also a country of destination and had increasingly become a country of transit for migrants.¹²² The Committee noted with appreciation the involvement of Guyana in regional initiatives on migration. However, it regretted that a migration policy and strategy was lacking, despite the increasing number of migrants entering Guyana.¹²³

79. The same Committee noted the efforts made by Guyana to support migrant workers and members of their families through measures taken by different ministries. However, it expressed concern at reports regarding the lack of coordination channels and formal and permanent mechanisms for managing migration.¹²⁴

80. The Committee expressed concern about domestic legislation referring to the “expulsion of undesirables” and “prohibited migrants”. It also expressed concern about regulations that allowed the detention of migrants, fines for migrants in irregular situations and unclear procedures for expulsion or for submitting cases to court.¹²⁵ The country team recommended that Guyana develop comprehensive immigration and emigration bills.¹²⁶

81. The Committee recommended that Guyana allocate sufficient budgetary resources to strengthen border governance, ensuring that facilities were equipped to provide human rights-based and proportionate responses to migrants arriving at international borders, and that border authorities were trained in international human rights law relevant to their work, including with regard to gender equality. It also recommended that Guyana ensure that migrants who had suffered human rights violations or abuses as a result of border governance measures had equal and effective access to justice.¹²⁷

82. UNHCR noted the absence of national asylum and refugee legislation and procedures in Guyana and that the absence of a national asylum system placed vulnerable people in search of protection at risk of being turned back at the borders.¹²⁸ It also noted that, since refugees and asylum seekers in Guyana did not have legal status, they were not able to fully exercise their rights and freedoms, most notably in the area of employment.¹²⁹ The country team recommended that Guyana adopt national refugee legislation; develop policies and refugee status determination procedures to ensure full compliance with the Convention relating to the Status of Refugees; and establish a government agency responsible for receiving and screening asylum seekers.¹³⁰

83. UNHCR commended the generosity of Guyana for its international solidarity and willingness to assist displaced persons from a neighbouring country. It noted that in Guyana persons from the neighbouring country had been able to access life-saving medical care free of charge at public health facilities; that their young people were attending local schools; and that Guyana had provided for the issuance of three-month stay permits for them (although those permits did not allow them to work legally).¹³¹ UNHCR welcomed the initiative of Guyana to roll out a digitalized system for the registration and documentation of those persons, with the support of UNHCR. It recommended that Guyana continue its efforts to launch such a system and consider ensuring that the issuance of documentation through the new system would automatically grant long-term residence rights and access to the regular labour market.¹³²

6. Stateless persons

84. UNHCR noted that in some cases Guyanese (and Guyanese descendants) returning from a neighbouring country lacked proof of their right to Guyanese nationality and might be at risk of statelessness if they were not recognized as Guyanese citizens and did not have any other nationality.¹³³ It recommended that Guyana increase efforts to determine Guyanese nationality among returning Guyanese.¹³⁴

85. The country team and UNHCR recommended that Guyana introduce a stateless determination procedure.¹³⁵

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Guyana will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/GYIndex.aspx.

² For the relevant recommendations, see A/HRC/29/16, paras. 130.1, 132.1–132.4, 132.7–132.19 and 132.24–132.27.

³ E/C.12/GUY/CO/2-4, para. 56. See also A/HRC/39/69/Add.1, para. 51.

⁴ E/C.12/GUY/CO/2-4, para. 57.

⁵ A/HRC/39/69/Add.1, para. 51.

⁶ CEDAW/C/GUY/CO/9, para. 51.

⁷ *Ibid.*, para. 55, and CMW/C/GUY/CO/1, para. 11. See also A/HRC/39/69/Add.1, para. 51.

⁸ A/HRC/29/16, para. 132.19 (Norway).

⁹ United Nations country team submission for the universal periodic review of Guyana, p. 1. See also E/C.12/GUY/CO/2-4, para. 15.

- ¹⁰ CEDAW/C/GUY/CO/9, paras. 34 (c) and 50 (b), CMW/C/GUY/CO/1, paras. 31 and 43, country team submission, pp. 2 and 14, and the UNHCR submission for the universal periodic review of Guyana, pp. 3 and 5.
- ¹¹ Country team submission, p. 1.
- ¹² UNESCO submission for the universal periodic review of Guyana, p. 5. See also the country team submission, p. 1.
- ¹³ *United Nations Human Rights Report 2018*, OHCHR, p. 227.
- ¹⁴ For the relevant recommendations, see A/HRC/29/16, paras. 130.4–130.6 and 132.20–132.23.
- ¹⁵ A/HRC/29/16, para. 130.6 (Mexico).
- ¹⁶ CMW/C/GUY/CO/1, para. 18. See also E/C.12/GUY/CO/2-4, para. 12, and A/HRC/39/69/Add.1, paras. 15 and 36.
- ¹⁷ CEDAW/C/GUY/CO/9, para. 20, CMW/C/GUY/CO/1, para. 19 (b), and E/C.12/GUY/CO/2-4, para. 13. See also A/HRC/39/69/Add.1, para. 44, and country team submission, p. 3.
- ¹⁸ CMW/C/GUY/CO/1, paras. 18–19 (a), and E/C.12/GUY/CO/2-4, paras. 12–13. See also country team submission, p. 3.
- ¹⁹ Country team submission, p. 3.
- ²⁰ www.gy.undp.org/content/guyana/en/home/presscenter/pressreleases/2017/02/16/un-experts-team-assesses-needs-for-constitutional-reform-in-guyana.html.
- ²¹ For the relevant recommendations, see A/HRC/29/16, paras. 130.7–130.8, 132.20, 130.25–130.27, 130.29 and 132.31–132.42.
- ²² E/C.12/GUY/CO/2-4, para. 20.
- ²³ A/HRC/39/69/Add.1, para. 52.
- ²⁴ *Ibid.*, para. 42.
- ²⁵ CEDAW/C/GUY/CO/9, para. 23 (a). See also E/C.12/GUY/CO/2-4, para. 26.
- ²⁶ CEDAW/C/GUY/CO/9, para. 24 (a). See also E/C.12/GUY/CO/2-4, para. 27.
- ²⁷ Country team submission, p. 5. See also A/HRC/39/69/Add.1, para. 33.
- ²⁸ Country team submission, p. 4.
- ²⁹ *Ibid.*, pp. 4–5. See also E/C.12/GUY/CO/2-4, paras. 24–25.
- ³⁰ For the relevant recommendation, see A/HRC/29/16, para. 130.3.
- ³¹ CEDAW/C/GUY/CO/9, para. 41.
- ³² *Ibid.*, para. 42.
- ³³ For the relevant recommendations, see A/HRC/29/16, paras. 130.26, 130.28–130.32, 130.55–130.57, 131.3, 132.5–132.6, 132.13, 132.43–132.50 and 132.56.
- ³⁴ For the relevant recommendations, see A/HRC/29/16, para. 130.55 (Italy), 130.56 (Norway) and 130.57 (United States of America).
- ³⁵ Country team submission, p. 6. See also A/HRC/39/69/Add.1, paras. 20 and 58.
- ³⁶ A/HRC/39/69/Add.1, para. 54.
- ³⁷ Country team submission, p. 5.
- ³⁸ A/HRC/39/69/Add.1, para. 55.
- ³⁹ For the relevant recommendations, see A/HRC/29/16, paras. 130.53–130.54 and 132.57–132.60.
- ⁴⁰ E/C.12/GUY/CO/2-4, para. 19 (a)–(b). See also CMW/C/GUY/CO/1, para. 25.
- ⁴¹ A/HRC/39/69/Add.1, paras. 37 and 53.
- ⁴² CEDAW/C/GUY/CO/9, para. 15. See also country team submission, p. 3.
- ⁴³ CEDAW/C/GUY/CO/9, para. 16 (a). See also E/C.12/GUY/CO/2-4, para. 11.
- ⁴⁴ CEDAW/C/GUY/CO/9, para. 16 (b).
- ⁴⁵ CMW/C/GUY/CO/1, para. 29.
- ⁴⁶ For the relevant recommendations, see A/HRC/29/16, paras. 130.74, 132.58 and 132.61.
- ⁴⁷ CMW/C/GUY/CO/1, para. 49.
- ⁴⁸ UNESCO submission, pp. 2 and 6.
- ⁴⁹ *Ibid.*, p. 6.
- ⁵⁰ E/C.12/GUY/CO/2-4, para. 55.
- ⁵¹ For the relevant recommendations, see A/HRC/29/16, paras. 130.50–130.51.
- ⁵² CEDAW/C/GUY/CO/9, para. 27. See also country team submission, p. 6.
- ⁵³ CEDAW/C/GUY/CO/9, para. 29.
- ⁵⁴ *Ibid.*, para. 28 (a)–(e). See also country team submission, p. 6, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3960865:NO.
- ⁵⁵ CEDAW/C/GUY/CO/9, para. 23 (c).
- ⁵⁶ *Ibid.*, para. 24 (c). See also E/C.12/GUY/CO/2-4, para. 39.
- ⁵⁷ CEDAW/C/GUY/CO/9, para. 4.
- ⁵⁸ *Ibid.*, para. 24 (b). See also E/C.12/GUY/CO/2-4, para. 41.
- ⁵⁹ For the relevant recommendation, see A/HRC/29/16, para. 131.1.
- ⁶⁰ E/C.12/GUY/CO/2-4, paras. 32–33.
- ⁶¹ *Ibid.*, paras. 28–29.

- 62 CEDAW/C/GUY/CO/9, para. 37 (a)–(e). See also E/C.12/GUY/CO/2-4, para. 27.
- 63 www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3295642:NO. See also CMW/C/GUY/CO/1, para. 41 (a).
- 64 CMW/C/GUY/CO/1, para. 41 (d).
- 65 A/HRC/39/69/Add.1, para. 67. See also country team submission, p. 9.
- 66 E/C.12/GUY/CO/2-4, para. 35.
- 67 For the relevant recommendations, see A/HRC/29/16, paras. 130.60–130.65.
- 68 E/C.12/GUY/CO/2-4, paras. 42–43.
- 69 *Ibid.*, paras. 6–7. See also A/HRC/39/69/Add.1, paras. 17, 26 and 46.
- 70 A/HRC/39/69/Add.1, para. 65.
- 71 E/C.12/GUY/CO/2-4, para. 44.
- 72 Country team submission, p. 6.
- 73 E/C.12/GUY/CO/2-4, para. 46.
- 74 Country team submission, p. 7.
- 75 For the relevant recommendations, see A/HRC/29/16, paras. 130.59 and 130.66–130.68.
- 76 E/C.12/GUY/CO/2-4, para. 51 (a). See also A/HRC/39/69/Add.1, para. 68.
- 77 Country team submission, p. 7.
- 78 CEDAW/C/GUY/CO/9, para. 39. See also E/C.12/GUY/CO/2-4, para. 51 (d); and country team submission, p. 5.
- 79 CEDAW/C/GUY/CO/9, para. 40 (b)–(c). See also E/C.12/GUY/CO/2-4, para. 51 (c).
- 80 A/HRC/39/69/Add.1, para. 69.
- 81 CEDAW/C/GUY/CO/9, paras. 39 and 40 (d). See also A/HRC/39/69/Add.1, para. 70.
- 82 For the relevant recommendations, see A/HRC/29/16, paras. 130.46, 130.69–130.70 and 132.62–132.63.
- 83 CEDAW/C/GUY/CO/9, para. 35.
- 84 UNESCO submission, p. 5.
- 85 *Ibid.*
- 86 E/C.12/GUY/CO/2-4, p. 10. See also UNESCO submission, p. 5.
- 87 A/HRC/39/69/Add.1, para. 60.
- 88 *Ibid.*, para. 50.
- 89 CEDAW/C/GUY/CO/9, para. 40 (a). See also E/C.12/GUY/CO/2-4, para. 51 (e), and country team submission, p. 8.
- 90 CEDAW/C/GUY/CO/9, para. 36 (a).
- 91 Country team submission, p. 3.
- 92 CMW/C/GUY/CO/1, para. 45.
- 93 For the relevant recommendations, see A/HRC/29/16, paras. 130.2, 130.9–130.22, 130.33–130.38, 130.40–130.44, 130.49, 130.53 and 132.28.
- 94 CEDAW/C/GUY/CO/9, paras. 13–14. See also country team submission, p. 10.
- 95 CEDAW/C/GUY/CO/9, para. 5.
- 96 Country team submission, pp. 9–10.
- 97 CEDAW/C/GUY/CO/9, para. 18 (a).
- 98 Country team submission, p. 10. See also A/HRC/39/69/Add.1, para. 31.
- 99 CEDAW/C/GUY/CO/9, para. 31.
- 100 *Ibid.*, para. 32 (a).
- 101 A/HRC/39/69/Add.1, para. 30.
- 102 CEDAW/C/GUY/CO/9, para. 25. See also E/C.12/GUY/CO/2-4, para. 36, and country team submission, p. 10.
- 103 CEDAW/C/GUY/CO/9, para. 26 (a) and (c)–(d). See also E/C.12/GUY/CO/2-4, para. 37.
- 104 For the relevant recommendations, see A/HRC/29/16, paras. 130.2, 130.39, 130.45–130.48, 130.52, 131.2, 131.4 and 132.51–132.55.
- 105 UNHCR submission, p. 5. See also CEDAW/C/GUY/CO/9, para. 34, CMW/C/GUY/CO/1, paras. 42–43, and country team submission, p. 14.
- 106 Country team submission, p. 10.
- 107 CEDAW/C/GUY/CO/9, para. 36 (e). See also UNESCO submission, p. 5.
- 108 CMW/C/GUY/CO/1, para. 52.
- 109 Country team submission, pp. 10–11.
- 110 *Ibid.*, p. 11.
- 111 E/C.12/GUY/CO/2-4, para. 41 (d).
- 112 For the relevant recommendations, see A/HRC/29/16, paras. 130.71–130.73.
- 113 E/C.12/GUY/CO/2-4, para. 22. See also country team submission, p. 11.
- 114 CEDAW/C/GUY/CO/9, para. 45.
- 115 Country team submission, p. 9.
- 116 For the relevant recommendations, see A/HRC/29/16, paras. 130.23–130.24, 130.74–130.75 and

132.64.

- ¹¹⁷ E/C.12/GUY/CO/2-4, para. 14 (a)–(d). See also A/73/18, para. 21.
- ¹¹⁸ E/C.12/GUY/CO/2-4, para. 15. See also CEDAW/C/GUY/CO/9, para. 44 (b).
- ¹¹⁹ E/C.12/GUY/CO/2-4, para. 15. See also CEDAW/C/GUY/CO/9, para. 44 (a)–(b).
- ¹²⁰ Country team submission, pp. 11–12.
- ¹²¹ E/C.12/GUY/CO/2-4, para. 16. See also tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/GUY/INT_CERD_ALE_GUY_8821_E.pdf.
- ¹²² CMW/C/GUY/CO/1, para. 4.
- ¹²³ *Ibid.*, para. 12. See also UNHCR submission, pp. 1–2; and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3960865:NO.
- ¹²⁴ CMW/C/GUY/CO/1, para. 14.
- ¹²⁵ *Ibid.*, para. 8. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3962645:NO.
- ¹²⁶ Country team submission, p. 14. See also CMW/C/GUY/CO/1, para. 9 (b).
- ¹²⁷ CMW/C/GUY/CO/1, para. 30 (c)–(d).
- ¹²⁸ UNHCR submission, pp. 1–2.
- ¹²⁹ UNHCR submission, p. 3. See also CMW/C/GUY/CO/1, para. 31 (e), and country team submission, p. 14.
- ¹³⁰ Country team submission, p. 14. See also UNHCR submission, p. 3.
- ¹³¹ UNHCR submission, p. 1. See also country team submission, p. 13.
- ¹³² UNHCR, pp. 3–4. See also CEDAW/C/GUY/CO/9, paras. 49–50, and country team submission, p. 15.
- ¹³³ UNHCR submission, p. 5.
- ¹³⁴ *Ibid.*
- ¹³⁵ Country team submission, p. 14, and UNHCR submission, p. 5.
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