



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the third report of Guyana*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/79/Add.121). Please also report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations.

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please indicate the procedures in place for the implementation of the Committee's Views under the Optional Protocol. Please report on measures taken to raise awareness about the Optional Protocol, in particular among those who believe that their human rights under the Covenant may have been violated. Please also state whether the State party intends to formally withdraw the reservation made upon its re-accession to the Optional Protocol.

3. With reference to the previous concluding observations (para. 6),¹ please indicate the measures taken to ensure that the provisions of the Covenant are fully incorporated in the domestic legal system and may be invoked before and applied by the national courts. Please provide examples of cases in which the Covenant has been invoked or applied by national courts. Please also include information on the enjoyment of the Covenant rights under the Constitution, which was amended in 2003, and on any additional efforts to reform the Constitution. Please state all measures taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public at large.

4. Please provide information on the measures taken to ensure that the Human Rights Commission functions in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please indicate whether the State party plans to apply to the Global Alliance of National Human Rights Institutions for accreditation.

* Adopted by the Committee at its 129th session (29 June–24 July 2020).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/79/Add.121.



Anti-corruption measures (arts. 2 and 25)

5. Please report on the measures taken by the State party to ensure: (a) the full implementation of existing anti-corruption legislation; (b) prompt and thorough investigations, including by the State Assets Recovery Agency, into all allegations of corruption, as well as prosecution and punishment of perpetrators; and (c) transparent management of natural resources, particularly extractive resources such as oil, gold, diamonds and timber. Please comment on reports of corruption by public officials in the petroleum sector, including in relation to the granting of oil production licences in 2016.

Non-discrimination (arts. 2, 3, 23, 25 and 26)

6. Please report on measures adopted to develop dedicated anti-discrimination legislation that: (a) extends beyond discrimination in employment; (b) provides a clear definition of and criminalizes direct and indirect discrimination; (c) contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and (d) provides for effective judicial and administrative remedies for victims. Please include statistical information on complaints of discrimination received during the period under review, along with an indication of the basis of discrimination, the nature of investigations conducted and their outcome, and any redress provided to victims.

7. With reference to the previous concluding observations (para. 20), please provide information on measures taken to address: (a) continued ethnic tension and divide in the State party; (b) hate speech and incitement to racial hostility by politicians and public officials; (c) racial profiling by the police; and (d) the need for racial balance in the composition of the Guyana Police Force. Please also discuss the role of the Ethnic Relations Commission in promoting a multi-ethnic society and addressing ethnic tension and racial discrimination, and provide information on the number of complaints received and investigated by the Commission, and the outcomes thereof.

8. Please indicate all measures adopted to combat and prevent acts of discrimination, stigmatization and violence against lesbian, gay, bisexual, transgender and intersex persons. Please respond to allegations of: (a) ill-treatment of transgender individuals in police custody and prisons; and (b) the failure by the police to investigate all allegations of discrimination and violence against lesbian, gay, bisexual and transgender persons, including murders, and to bring perpetrators to justice. Please report on any steps taken to repeal sections 352 to 354 of the Criminal Law (Offences) Act, which criminalize sexual relations between consenting adults of the same sex, and on the number of people who have been arrested, detained and prosecuted under those provisions.

Gender equality (arts. 3 and 26)

9. With reference to the previous concluding observations (para. 13), please report on the measures taken to achieve the equitable representation of women in public and political life, especially in decision-making positions. Please describe steps taken to introduce statutory quotas for women in national and local legislative assemblies and to review the current quota system for electoral lists, which does not ensure, in practice, equal representation of men and women.

Violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)

10. Bearing in mind the previous concluding observations (para. 14) and the recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW/C/GUY/CO/9, para. 25), please provide further information on measures adopted to prevent and combat violence against women, including domestic and sexual violence, and on the impact of those measures. In particular, please indicate steps taken: (a) to encourage reporting by victims of violence against women, including by combating social stigmatization and increasing victims' access to justice, particularly in the rural and hinterland areas; (b) to address the backlog and low prosecution rates of cases of violence against women; and (c) to ensure the availability of shelters throughout the State party, especially for victims of domestic violence and their children, as well as adequate funding for all victim support services. Please provide statistics on the number of cases of intimate partner violence perpetrated by police officers, along with information on investigations

conducted, prosecutions pursued, convictions secured and punishment imposed on offenders during the period under review.

Voluntary termination of pregnancy (arts. 6–8)

11. Please report on the steps taken by the State party to ensure the full implementation of the Medical Termination of Pregnancy Act of 1995 and to guarantee safe, prompt and effective access to abortion services throughout the country, particularly in rural and hinterland areas. In this respect, please include information on the availability and accessibility of facilities in the State party that provide abortion services.

Right to life (art. 6)

12. With reference to the previous concluding observations (para. 7), please report on the progress made towards abolishing the death penalty and on the current obstacles to abolition. Please update the Committee on the State party's plans to accede to the Second Optional Protocol to the Covenant, including on the status of the draft memorandum prepared by the Ministry of Foreign Affairs in this respect.

13. In light of the previous concluding observations (para. 10), please provide information on specific measures taken by the State party to prevent and combat extrajudicial killings, especially by the Guyana Police Force. Please comment on reports that: (a) the authorities failed to investigate past incidents of extrajudicial killings, including during the period between 2002 and 2006, and to bring perpetrators to justice, thereby creating a climate of impunity; and (b) a presidential commission of inquiry to investigate allegations of extrajudicial killings has not been established, despite the Government's announcement of such a plan in 2018.

14. Please provide information on the steps taken to prevent and mitigate the negative effects of climate change and environmental degradation, particularly as a consequence of gold mining and offshore oil production. Please respond to concerns that large-scale oil extraction significantly increases greenhouse gas emissions, causes ocean acidification and sea level rise, and adversely affects the most vulnerable groups in the State party, including the Amerindian and fishery-dependent communities and individuals living in poverty. Please report on the steps taken: (a) to develop mechanisms and systems to ensure the sustainable use of natural resources, including oil and gas; (b) to develop and fully implement environmental standards, including the Environmental Protection Act; (c) to conduct environmental impact assessments; and (d) to provide appropriate access to information on environmental hazards.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)

15. Please provide information on the legislative framework to prevent and combat torture and excessive use of force, including on the definition of torture and excessive use of force and penalties stipulated in criminal legislation. Please respond to reports of widespread torture or ill-treatment of persons deprived of liberty, including of rape of detainees by the police. Please provide statistical information on the number of complaints received concerning torture or ill-treatment and excessive use of force, investigations, prosecutions and redress provided to victims. Please also report on efforts to provide adequate human rights training, including on the prevention and prohibition of torture or ill-treatment and excessive use of force, to law enforcement and security officers.

16. With respect to the previous concluding observations (para. 11), please provide detailed information about the Police Complaints Authority, including: (a) its role in investigating complaints of torture or ill-treatment and excessive use of force by the police; (b) its relationship with other police investigative bodies; and (c) steps taken to ensure its independence and impartiality. Please include statistical data on the number of complaints received by the Police Complaints Authority during the period under review, along with the content and outcomes thereof.

Treatment of persons deprived of liberty (art. 10)

17. With reference to the previous concluding observations (para. 17), please report on progress made in: (a) addressing overcrowding in places of detention; (b) improving the

material conditions of prisons, particularly at the Lusignan Prison; (c) ensuring adequate access to water and food, clothing and bedding, and health and medical services; and (d) investigating cases of inter-prisoner violence and deaths in places of detention. Please provide statistical data, disaggregated by sex, age and ethnicity, on the number of deaths in places of detention over the reporting period, including the number of cases and causes of death, the number of cases investigated, prosecutions pursued, convictions secured, punishment imposed on offenders and reparations provided to the families of the victims. Please provide information on the existence and operation of an independent monitoring body mandated to regularly monitor and inspect all places of detention.

Liberty and security of the person (art. 9)

18. With reference to the previous concluding observations (para. 15), please report on steps taken to prevent and prohibit illegal arrests, investigate such cases, prosecute and punish perpetrators, and provide redress to the victims, including statistical data in this respect. Please discuss the measures taken to address prolonged pretrial detention and increase the use of non-custodial alternatives, including the Support for the Criminal Justice System programme and the Study on Alternatives to Pretrial Detention, and the impact of those measures. Please clarify whether remand detainees are kept strictly separate from convicted persons.

19. Bearing in mind the previous concluding observations (para. 16), please indicate the progress made in ensuring that: (a) children in conflict with the law are treated in a way that promotes their integration into society, providing information about the types and lengths of sentences applied to minors in conflict with the law during the period under review; (b) detention of children is used only as a measure of last resort and for the shortest possible time; (c) children are kept separate from adults in detention; and (d) the Juvenile Justice Act of 2018 is fully implemented.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8, 24 and 26)

20. Please provide information on the measures taken to combat trafficking in persons and child labour, particularly in rural and hinterland areas, including the investigation, prosecution and conviction of perpetrators and provision of remedy to victims. Please comment on reports of hazardous child labour, especially in mining, logging, farming, fishing and manufacturing industries, and among the Amerindian communities, and of the increasing number of children in street situations. Please also indicate the steps taken by the State party to ensure the birth registration of children and access to identity documents.

Access to justice, independence of the judiciary, and fair trial (arts. 2 and 14)

21. With reference to the previous concluding observations (para. 18), please report on the measures adopted to effectively address the significant backlog in the courts, particularly of criminal cases. Please indicate the progress made in improving access to the free legal aid system throughout the State party, particularly in rural and hinterland areas, and allocating adequate resources to that aid system. Please also include information on the number and types of cases in which free legal aid has been sought, granted and denied for the period under review, and describe the financial criteria for eligibility to access legal aid.

Freedom of expression (arts. 19 and 20)

22. Please provide information on the legal and regulatory frameworks governing the right of freedom of expression in the State party, and the measures taken to ensure the protection of human rights defenders, journalists and media workers against harassment, threats and verbal and physical attacks, and to provide effective remedies to victims. Please respond to reports of: (a) harassment, intimidation, threats and attacks against journalists, media workers and others who are critical of the Government; (b) the insufficiency of efforts made to investigate such acts and bring perpetrators to justice; (c) libel lawsuits brought by public officials against journalists who are critical of the Government; and (d) chilling effects on the freedom of expression attributable to the Cybercrime Act of 2018 and the 2017 amendments to the Broadcasting Act. Please indicate whether the State party is considering decriminalizing defamation and ensuring that imprisonment is not a penalty for defamation, in line with the Committee's general comment No. 34 (2011) on freedoms of opinion and expression (para. 47).

Participation in public affairs (arts. 25 and 26)

23. Please respond to reports that: (a) the current electoral system exacerbates the existing ethnopolitical polarization and, therefore, does not promote social cohesion and diversity; (b) the domination of politics by the two largest parties contributes to the political marginalization of ethnic minorities; (c) the elections in March 2020 were characterized by such polarization, evidenced by, among other things, widespread hate speech and misinformation; and (d) insufficient measures were in place to ensure a peaceful and inclusive electoral process. Please discuss the independence, impartiality and efficacy of the Guyana Elections Commission in supervising the electoral process and ensuring that elections are conducted fairly and impartially, including detailed information on the selection of its Chair. Please provide information on the legal framework concerning campaign financing, including information on disclosure of contributions and expenditures and any existing oversight mechanisms in this respect. Please describe the efforts made to ensure the right to vote for all, and respond to allegations that no arrangements were made to allow persons with disabilities and pretrial detainees to participate in the elections in March 2020, thereby effectively depriving them of their right to vote.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 13 and 24 (3))

24. Please clarify whether the State party intends to adopt comprehensive national refugee legislation and asylum procedures. Please provide information on the measures taken: (a) to provide adequate safeguards against refoulement, including in light of the absence of a national asylum system; (b) to ensure protection of refugees arriving from the Bolivarian Republic of Venezuela, who are in particularly vulnerable situations, including with regard to their acquisition of legal status and access to basic social services; and (c) to prevent and combat the trafficking of refugee women and girls, particularly those from the Bolivarian Republic of Venezuela, and to ensure the protection of victims.

Rights of indigenous peoples (art. 27)

25. With reference to the previous concluding observations (para. 21), please indicate the measures adopted to ensure the promotion and protection of the rights of indigenous peoples and the participation of the Amerindian communities in decisions that affect them, particularly in relation to land and natural resources. Please update the Committee on efforts to amend the Amerindian Act of 2006 and to ensure adequate consultations with members of the Amerindian communities in this respect. Please respond to concerns that: (a) the land titling process for Amerindians has been made more complicated, yielding little progress during the period under review; and (b) inadequately regulated mining activities in the areas that Amerindians inhabit have adversely affected the demarcation of their traditional lands and caused environmental degradation and serious threats to their health.