



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
29 May 2012

Original: English

Committee on the Elimination of Discrimination against Women

Fifty-second session

9-27 July 2012

Responses to the list of issues and questions with regard to the consideration of the combined seventh and eighth periodic report (CEDAW/C/GUY/7-8)

Guyana

Constitutional, legislative and institutional framework

1. The report indicates that in the interpretation of the fundamental rights provisions, the executive, legislature, judiciary and other organs and agencies of the Government shall pay due regard to international law, conventions, covenants and charters bearing on human rights. Please provide information on cases in which the Convention on the Elimination of All Forms of Discrimination against Women has been invoked or referred to in national courts, as well as the outcome of such cases.

There have been no cases in the national courts in which the Convention has been invoked or referred to. The Government of Guyana, through its executive, legislative, judicial and other organs and agencies, nevertheless reaffirms its commitment to paying due regard to international law, conventions, covenants and charters bearing on human rights.

Guyana's history has been marked by political violence, ethnic tension and insecurity. In an effort to address those and other problems, radical changes were made to the human rights and fundamental freedoms sections in Guyana's revised 2003 Constitution, which now guarantee everyone the basic customary human rights that are enshrined in international human rights instruments, such as the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Guyana has acceded, and the American Convention on Human Rights.



Guyana is aware that the full realization of universal respect for and observance of human rights and freedoms is a continuous process and, to this end, stands committed to advancing the interdependency and indivisibility of all human rights and has taken steps to adopt policies to enhance the protection and promotion of all human rights and fundamental freedoms.

The standards, decisions and recommendations of such human rights systems have had a meaningful and positive impact on the furtherance of respect for and observance of human rights and fundamental freedoms within the structure and workings of the judicial branch at both the local and national levels.

Guyana's measures to address such issues have undoubtedly been shaped by the Convention on the Elimination of All Forms of Discrimination against Women and the other conventions to which it has acceded.

In the following paragraphs, Guyana reiterates the information that it provided in its national report to the Working Group on the Universal Periodic Review at its eighth session, in May 2010 (see A/HRC/WG.6/8/GUY/1).

Article 154 (A) (1) of the Constitution of Guyana states that "every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed". This includes the Convention on the Elimination of All Forms of Discrimination against Women.

Article 39 (2) bestows interpretive powers on such branches as to fundamental rights provisions, which must pay due regard to international law, conventions, covenants and charters bearing on human rights, including, but not limited to, the Convention on the Elimination of All Forms of Discrimination against Women, to which Guyana has acceded.

Parliament, with the aid of the expanded committee system, has enacted statutes that specifically promote and protect the human rights of individuals and the group rights of vulnerable persons, including women, children, Amerindian (indigenous) peoples, older persons and differently abled persons. These statutes are in line with the principles and teachings of the Convention on the Elimination of All Forms of Discrimination against Women and other international conventions to which Guyana has acceded.

Guyana's Judicial Service Commission and the Rules Committee of the High Court may consider whether to implement the standards and recommendations of international conventions to which Guyana has acceded.

The Constitution provides for the establishment of five constitutional rights commissions (the Human Rights Commission, the Women and Gender Equality Commission, the Rights of the Child Commission, the Indigenous Peoples Commission and the Ethnic Relations Commission), the members of which are appointed through consultation with civil society bodies agreed to by a parliamentary consensual mechanism.

The Human Rights Commission comprises the Chairs of the four above-mentioned commissions. Its own Chair is selected and appointed by the President

from six names provided by the leader of the opposition. The Commission acts as the secretariat of the other four commissions.

Of the above-mentioned commissions, the Women and Gender Equality Commission, the Rights of the Child Commission and the Indigenous Peoples Commission are functioning.

The many efforts during the term of the ninth Parliament (September 2006-September 2011) notwithstanding, the commissioners of the Ethnic Relations Commission were not appointed owing to the inability of the National Assembly to reach agreement and attain the required two-thirds majority. Furthermore, the allocation for the Commission in the 2012 budget was cut to zero by the opposition, which holds a one-seat majority in the tenth Parliament. The Commission will therefore have to be dissolved.

The former and current presidents have repeatedly approached the former and current leaders of the opposition, both formally and informally, since 2009 to request the submission of the six candidates for Chair of the Human Rights Commission, in accordance with the Constitution, but to no avail.

The Women and Gender Equality Commission promotes national recognition and acceptance of the fact that women's rights are human rights and respect for gender equality, principles that were influenced by the Convention on the Elimination of All Forms of Discrimination against Women.

The Governance Unit in the Office of the President has, as one of its responsibilities, to monitor Guyana's implementation of its treaty obligations and has issued recommendations to the executive in this regard.

The Ministry of Foreign Affairs, through its Permanent Mission to the Organization of American States in Washington, D.C., will bring to Guyana's attention standards and provisional recommendations issued by the human rights systems of which Guyana is a member.

2. Reference is made in the report to budgetary resources to construct a Family Court, which was expected to be operational by the last quarter of 2010. Please provide updated information on the current status of the Family Court.

The building to house the Family Court has been constructed. Regrettably, the Court is still not operational as there are no Family Court rules and judges have not been appointed by the Judicial Service Commission.

Notwithstanding the many efforts by the Government, including the provision of technical support for two consultancies, the Rules Committee of the High Court has not completed the Family Court rules, which must be submitted for approval by the National Assembly.

As soon as these rules have been submitted by the Chancellor of the judiciary, who is also the Chair of the Rules Committee of the High Court, and they have been brought into operation, on a date to be fixed by practice direction by the Chancellor, the Family Court will be fully operational.

The Government anticipates that the Family Court will be fully operational by the fourth quarter of 2012.

3. Reference is made in the report to the Prevention of Crimes Act, Act No. 11 of 2008, which allows for the mandatory supervision of persons convicted of domestic violence, molestation, rape, sexual exploitation, pornography, incest, prostitution and kidnapping. Please provide clear information on the provisions of this Act, whether the Act has been implemented in practice and its impact on the prevention of violence against women.

A copy of the Prevention of Crimes (Amendment) Act was submitted with Guyana's national report in 2010. Guyana has, however, resubmitted a copy for the Committee's information.

The main aspect of this Act is that it provides for mandatory supervision of persons convicted of scheduled offences. This entails the offender reporting to the police station or precinct nearest to his or her place of abode regularly.

The Act provides that every person shall, immediately after expiration of the sentence passed on him or her on conviction of an offence, be subject to the supervision of the police for three years, in case of an offence mentioned in part I of the schedule (armed robbery, domestic violence, hijacking, offences involving use of firearms or explosives, and piracy).

Part II of the schedule governs offences involving molestation, rape, sexual exploitation, pornography, incest or kidnapping affecting a child as a victim. In such cases, mandatory supervision is imposed for life. A person who commits one of the above-mentioned offences is deemed to be a paedophile and the offence a "paedophile offence".

This amendment provides some comfort for the victims of such crimes as offenders must report regularly to the police precinct nearest to where they reside. They also must report any changes in their place of abode and be assigned to the police station nearest to their new address. Furthermore, the mandatory supervision for life imposed for the offences under part II reflects society's abhorrence of such acts against children.

In addition to this amendment, the Sexual Offences Act, Act No. 7 of 2010, and six pieces of legislation relating to children were enacted over the period 2009-2011, providing the statutory framework to guide the implementation of parts I and II. The Evidence (Amendment) Act, Act No. 19 of 2008, and the Criminal Law (Procedure) (Amendment) Act, Act No. 17 of 2008, provide for audiovisual links in the courtroom to protect victims, especially children, and allow for paper committals.

A number of cases are being tried under the new laws.

National machinery for the advancement of women

4. According to the report, the Women and Gender Equality Commission was established in 2009 and was expected to be fully operational by mid-2010. Please provide information on the Commission's mandate, human and financial resources, impact on women empowerment and influence on policymaking. In addition, please provide information on whether a national action plan on gender equality has been developed.

The Women and Gender Equality Commission is one of the five constitutional rights bodies that became fully operational in 2010 and consists of 16 members chosen from various spheres, including the private sector, the 10 regional affairs

committees, the Women's Affairs Bureau, the labour movement and women's and cultural/ethnic non-governmental organizations. It should be noted that the Commission comprises 15 women and 1 man. Both the Chair and the Deputy Chair, who are elected by the commissioners, are female.

The commissioners were appointed through consultation with civil society bodies agreed to by a parliamentary consensual mechanism. The President appoints the members, whose names are provided by the National Assembly; he or she has no appointee of his or her own.

Pursuant to article 212 Q of the Constitution, the Commission's mandate is to promote "national recognition and acceptance that women's rights are human rights, respect for gender equality and protection, development and attainment of gender equality".

The Commission's functions are outlined in article 212 R and include:

- (a) Recommending and promoting the implementation of legislation and the formulation of policies so as to enhance and protect the status of women;
- (b) Initiating research and creating databases on women and gender issues, especially reproductive health, violence against women and the family and socioeconomic and political status;
- (c) Promoting consultation and cooperation with women's organizations in relation to decision-making that affects the lives of women;
- (d) Recommending training and assistance to support initiatives by and for women and girls, while promoting women's participation in national decision-making.

Since its establishment, the Commission has received allocations in the national budgets for 2010, 2011 and 2012 totalling over G\$ 60 million (equivalent to \$300,000) to carry out its mandate and maintain a functional office with staff and other resources.

As is the case with all the constitutional rights commissions, the Women and Gender Equality Commission must submit annual reports to the National Assembly. In July 2011, the Commission submitted its first report, covering 2010, which captures its work since its establishment. The Commission also benefited from additional financial and technical support to hold consultations and workshops from the United States Agency for International Development.

In the latter half of 2011, the Commission held a workshop to discuss women's access to justice. It was attended by 150 women from across the country, representing religious and women's organizations, the Guyana Bar Association and the Guyana Association of Women Lawyers.

The Government developed a national policy paper on women in 2006. It is supported by a 2007 consultation paper entitled "Stamp It Out", in which emphasis is laid on strengthening protection against sexual violence and reforming legislation on sexual offences. It became the basis for national consultations on the subject and led to the enactment of the Sexual Offences Act 2010 on 24 May 2010. A national policy on domestic violence, with the slogan "Break the Cycle Take Control", was launched after a national consultative process on 11 June 2008 and is referred to in more detail in Guyana's response to question No. 6.

The 2006 National Policy Paper on Women reflects the Government's firm commitment to:

(a) Placing the issue of gender on the national agenda, informing and educating the public and all its institutions about the central importance of taking gender into account in all areas of national life;

(b) Improving its institutional capacity to develop, implement and evaluate programmes and projects from the vantage point of their impact on women;

(c) Fostering the inclusion of women in all areas of decision-making at both the national and local levels, including the communities of the interior with their scattered populations;

(d) Networking with non-governmental organizations that focus on women's issues;

(e) Reviewing and monitoring current legislation to ensure that international human rights law influences the formulation of gender-sensitive legislation;

(f) Ensuring the enactment of domestic legislation that reflects the recognition of women's rights as human rights;

(g) Utilizing all resources, both human and technical, with cooperation from international agencies including but not limited to the United Nations and its specialized agencies, the Canadian International Development Agency, the Organization of American States and the Commonwealth;

(h) Substantially improving the economic and social position and situation of women in Guyana.

Stereotypes and harmful practices

5. The report acknowledges the existence of a cultural lag in terms of attitudes, prejudices, cultural and religious traditions, and ignorance. Please provide information on measures taken to change stereotypical attitudes about the roles and responsibilities of women and men, including through public awareness-raising and educational campaigns directed at both women and men, and at the media.

The most important instrument with regard to women's rights is the revised 2003 Constitution, which is the supreme law of the land. Nothing in law can be inconsistent with the Constitution.

The Constitution is bolstered by statutes that:

(a) Prohibit discrimination on the basis of gender in labour laws;

(b) Provide for eligibility criteria requiring one third of all candidates on the list of each political party wishing to contest national and regional elections to be female; and administrative measures, policies and programmes that uphold public service rules as regards hiring, promotion, etc., on the basis of merit and non-discrimination, in addition to furthering the advancement of women, especially poor and vulnerable women, in relation to access to health, housing, education, skills training and tertiary education.

In the National Policy Paper on Women, the constitutional provisions are reiterated and used as the guiding principles to address the issue of a cultural lag. These principles state that:

(a) Women's rights include equitable access in the economic, social, cultural and political spheres and the right to reproductive health;

(b) All forms of discrimination against women are unacceptable and must be eradicated;

(c) Women have a right to live and grow as full and equal human beings who have value as persons in themselves and as mothers, workers, organizers and community managers. Furthermore, equality between women and men must begin at home, and household democracy and the sharing of parental and domestic responsibilities must therefore be adopted and practised;

(d) Children are not solely a family responsibility; their well-being is also a social and community responsibility.

Activities to raise awareness of women and men as equals in society have been pursued for decades by the Government and women's organizations and, certainly, society has over time recognized women's rights.

Efforts to reduce poverty through an aggressive poverty reduction strategy with programmes targeting the poor and vulnerable women, children, Amerindians, older persons and differently abled persons have had some success.

A report on Guyana's progress in attaining the Millennium Development Goals published in September 2011 shows that the country has achieved almost universal primary school enrolment (95 per cent) and completion (90 per cent), and identifies gaps and challenges to be overcome in this and other areas.¹ In fact, the enrolment of girls is equal to that of boys at the primary level, and more girls complete secondary education. Females dominate the post-secondary skills programmes at the diploma and degree levels.

Guyana's combined seventh and eighth periodic report to the Committee on the Elimination of Discrimination against Women (see CEDAW/C/GUY/7-8) and its national report to the Working Group on the Universal Periodic Review at its eighth session (see A/HRC/WG.6/8/GUY/1) illustrate improvements in the representation of women in the political sphere and high offices in the judiciary and public service.

Guyana is proud that, as at 31 March 2012, the Inter-Parliamentary Union ranks it twenty-fifth in the world in terms of female representation in parliaments, with women accounting for 31.3 per cent of its parliamentarians.

These gains notwithstanding, Guyana recognizes that prejudices persist in various spheres of life, in particular at the level of the family and extended family. There are, therefore, continuing interventions and programmes to raise women's awareness of their rights and to provide access to various services and facilities to help them to develop their political, economic and social well-being and equality at home and in society.

¹ This and previous progress reports can be found at www.finance.gov.gy. The site also provides access to annual budget and policy documents.

Women's non-governmental organizations and the Ministry of Labour, Human Services and Social Security, supported by Government funding and/or grants from United Nations bodies and/or other multilateral and developmental agencies, hold workshops and round-table discussions and participate in television and radio programmes to promote women's rights and to address the prejudices and cultural traditions that hold women back from reaching their true potential. For example and most recently, a series of television programmes was developed for International Women's Day (8 March), showing Guyanese women in business, education, health and politics, and the challenges that they faced.

The main challenges that hamper the advancement of women are poverty, domestic and sexual violence and the high percentage of female-headed households.

To intensify the campaign to address domestic and sexual violence, in October 2010 the President initiated a special partnership between faith-based organizations in the Guyanese diaspora in New York and faith-based bodies in Guyana² on preventing and reducing domestic and sexual violence in Guyana. This partnership led to the design of a special training programme in five of the administrative regions that involved 500 religious activists and leaders. For the first time, faith-based organizations formally joined the campaign, adding to the continuing outreach programmes at the national, regional and community levels and media activities.

The Women's Affairs Bureau of the Ministry of Labour, Human Services and Social Security, which registers and coordinates between and on behalf of women's organizations in Guyana, initiated sessions on gender awareness within ministries and corporations in 2011 and 2012. These sessions focused on promoting gender equality to improve the capacity of Government officials to mainstream gender into policies and programmes for their respective ministries and State agencies with a view to eliminating all forms of discrimination against women, promoting the development of women's full potential and ensuring women's integration into national development.

In 2011, the Ministry of Human Services and Social Security hosted an exposition entitled "Feminitation", which was conceived as an intervention to empower women, with the goals of changing stereotypical attitudes about women and recognizing, highlighting and promoting the skills, talent, capacities and capabilities of Guyanese women. It was also intended to inspire women and men by demonstrating women's capabilities, to encourage other women to tap into available services and facilities so that they could move forward in society as equals, and to provide opportunities for networking among groups and services.

With regard to poverty reduction and single-parent-headed households, the Government launched initiatives such as the Single Parent Assistance Programme (2009), the "Women of Worth" microcredit scheme (June 2010), the universal uniform allowance for all children enrolled in the Government school system from the nursery to the secondary levels, public assistance and a fund for those in exceptionally difficult circumstances, access to Government low-income housing and low-interest loans for housing.

The Custody, Contact, Guardianship and Maintenance Act, Act No. 5 of 2011, also adds legal force to address the problem of absent and defaulting fathers.

² As stated in Guyana's report, Guyana is a multi-ethnic and multi-religious society, with Christian, Hindu, Muslim, Rastafarian, Baha'i and traditional non-mainstream faiths.

Violence against women

6. Reference is made in the report to the creation of the National Stakeholders Forum, which has been dedicated to the prevention of crime and violence, including domestic and sexual violence against women and children. Please provide information on the activity of the Forum, in general, and its consultations, in particular, and their impact on the process of elimination of violence against women.

Guyana stated in its report that:

One of the most significant innovative features of this inclusive governance model in this reporting period, is the creation of the National Stakeholders Forum, an initiative of the President in 2008, which includes the parliamentary political parties, all the religious leaders of the Christian, Hindu and Muslim bodies and the Inter-Faith Religious Organization (IRO), labour movement, business, women and Amerindian organizations representing approximately 400,000 people. Of the 13 consultations held between 2008-2010, five (5) have been dedicated to crime and violence and one dedicated to domestic and sexual violence against women and children.

Guyana wishes to clarify that, although the genesis of the Forum was the violent crime wave of that period, it was not created to address only crime and violence but in fact any issue of national importance, and to be a forum in which to seek consensus and ownership by political and civil society stakeholders in addressing such issues.

The Forum in November 2008 was dedicated to addressing the alarming level and prevalence of domestic violence in Guyana by bringing together various stakeholders integrally involved in efforts to eradicate domestic violence, including religious organizations, non-governmental organizations, the private sector and law enforcement agencies. The purpose was to have all major stakeholders understand the extent of domestic violence within society, including the number of women murdered by their partners, and to agree on interventions with a view to eradicating domestic violence.

Since the convening of the Forum, there has been an enhanced, nationally united and renewed approach to the eradication of domestic violence through greater information, education and provision of support and assistance to victims of domestic violence, with stakeholders' organizations playing a more proactive role among their constituencies. This also led to more training and awareness-raising programmes for civilian law enforcement and more robust media coverage of cases before the courts.

In September 2010, at the President's initiative, the Government and religious leaders, both in Guyana and in the diaspora (see response to question No. 5), worked on a partnership to address domestic violence and protect victims, with a view to establishing a strategic approach whereby faith-based organizations could work jointly with the Government to eradicate domestic violence.

In October 2010, 500 religious activists and leaders from 5 of the 10 administrative regions underwent training in how to identify and address domestic and sexual violence in their communities and among their members. A joint communiqué was signed at the conclusion of the training session, in which the signatories

committed themselves to taking a zero-tolerance approach to domestic violence and pledged to collaborate with the Ministry of Human Services and Social Security and law enforcement agencies to ensure that domestic violence was eradicated.³

In May 2011, young Christians from the Guyana Congregational Union and the Guyana Presbyterian Church convened a retreat for young people, attracting participants from 42 churches. The retreat focused on informing young people through workshops, discussions and Bible studies about domestic violence in relationships and how people could make choices to stop violence.⁴

It is envisaged that the Government will continue to engage relevant stakeholders through consultations and stakeholders' forums on steps forward to continue Guyana's efforts to eliminate domestic violence.

As stated in Guyana's response to question No. 5, the Ministry of Human Services and Social Security, in collaboration with the United Nations Development Fund for Women and a local non-governmental organization, Help and Shelter, launched a national policy on domestic violence (2008-2013) under the slogan "Break the Cycle Take Control". The policy guides the Government's future interventions and programmes to eradicate domestic violence.

Arising out of this policy, a domestic violence unit was established within the Ministry of Human Services and Social Security, focusing on ensuring the implementation of the policy and serving as a conduit for information and guidance to the various Government sectors involved on how to effectively aid in eradicating domestic violence. A national domestic violence oversight committee was established, comprising senior members of Government ministries and agencies and relevant non-governmental organizations. The Committee was tasked with overseeing the policy and continues to meet monthly to discuss progress in its implementation.⁵

Furthermore, under the Citizen Security Programme launched by the Government and the Inter-American Development Bank, newly renovated police stations have been equipped with separate victim-friendly facilities with private rooms and two-way mirrors for reporting domestic and sexual violence offences and identifying the perpetrators. Victims are thus offered an environment in which to report offences confidentially without fear of reprisal or being ostracized. It should be noted that, in 2009, the police publicly stated that there were 2,811 reports of domestic violence; 579 people were charged and brought before the courts.

The Government continues to provide financial support to a safe house for battered women and children run by a non-governmental organization, in addition to children's homes where children who are victims of domestic and sexual violence can be taken for safety while under the supervision of the Child Care Protection Agency.

Since submitting its report in 2010, the Government has also continued to provide budgetary support every year to the Guyana Legal Aid Clinic to ensure that women, in particular those in the rural areas, have access to legal services.

7. Please provide information on legislative and other measures that prohibit and eliminate corporal punishment of girls in all settings, including schools and

³ See webapps01.un.org/vawdatabase/searchDetail.action?measureId=49850&baseHREF=country&baseHREFId=598.

⁴ See www.cwmission.org/features/ending-guyanas-legacy-of-domestic-violence.

⁵ A copy of the policy can be found at www.hands.org.gy/files/dv_policy_april.pdf.

homes, as recommended by the Committee on the Rights of the Child, the United Nations *World Report on Violence against Children* and general recommendation No. 19 of the Committee on the Elimination of Discrimination against Women.

Article 9 of the Criminal Law (Offences) Act and article 7 of the Summary Jurisdiction (Offences) Act provide that it is not a criminal offence for a guardian or teacher of a child to administer reasonable and proper punishment to the child.

The Infancy Act, Juvenile Offenders Act and Domestic Violence Act prohibit violence against and abuse of children, including girls. Equally, the Child Care and Services Development Act of 2009 prohibits corporal punishment of children within the care of a guardian or agency falling within the ambit of the Act. These acts, excluding the last-mentioned, do not, however, prohibit the reasonable administration of punishment as envisaged by the Criminal Law (Offences) Act and the Summary Jurisdiction (Offences) Act. Cases of severe beatings by parents or guardians have been treated as criminal offences (assault causing grievous bodily harm).

As previously stated, while consultations are under way on an education bill that includes provisions dealing with corporal punishment in schools, the policy of the Ministry of Education is that corporal punishment can be administered only by the head teacher or a person fully designated by the head teacher. In the light of articles 9 and 7 of the above-mentioned statutes, the administering of corporal punishment must be reasonable and proper and not amount to grievous or actual bodily harm, a criminal offence under the above-mentioned legislation.

It should be emphasized that Guyana committed itself, at the conclusion of its universal periodic review process, to continuing to hold consultations on this issue.

The Government, after national and regional elections in November 2011, and the installation of a new President and Government, decided to revive⁶ consultations on the education bill and the issue of the abolition of corporal punishment. The Ministry of Education has been directed by the President to hold in 2012 a national consultation on the education system, which will include a review of the bill and the abolition of corporal punishment in schools. The newly appointed Minister for Education, Priya Manickchand, hosted a television programme with various stakeholders discussing the abolition of corporal punishment, attracting national attention.

Guyana will continue its consultation on the abolition of corporal punishment in schools with the aim of bringing its situation into line with international standards.

Trafficking

8. The report provides information on establishment of the Counter-Trafficking in Persons Unit (TIPS) launched in 2008 in the Ministry of Human Services and Social Security, and on the existence of statistical data on human trafficking in the Unit. Please provide further information on the impact of the

⁶ It should be recalled that, in 2006, Parliament deferred the debate on corporal punishment at the request of some sections of civil society, including religious bodies and individuals, who wished to see consensus among all the political parties on the issue. The three political parties sitting in Parliament (the Alliance for Change, the People's National Congress/Reform and the People's Progressive Party/Civic) all agreed with the deferment.

Unit on combating the trafficking of women and girls, and the data on reports of human trafficking for 2010.

The Combating Trafficking in Persons Act became law in 2005. In keeping with this legislative framework, efforts to combat trafficking in persons, especially women and girls, continue to engage the attention of the Government through a ministerial task force comprising the relevant ministries (the Ministry of Human Services and Social Security, the Ministry of Home Affairs, the Ministry of Amerindian Affairs, the Ministry of Foreign Affairs and the Ministry of Legal Affairs) in partnership with non-governmental organizations (Help and Shelter and Food for the Poor) and community-based stakeholders.

The ministerial task force is administered within the Ministry of Home Affairs and is chaired by the Minister of Home Affairs. It produces annual reports on the status of Guyana's efforts to combat trafficking in persons.

The ministerial task force held public awareness and education programmes in 12 schools in administrative regions 2, 4, 5, 9 and 10, and expanded its reach, through its collaboration with the International Labour Organization project to tackle child labour through education, to hold public awareness campaigns for parents, community leaders, out-of-school young people and other community partners in selected communities in administrative regions 2, 4, 5 and 10.

The ministerial task force further collaborated with the Organization of American States and the Canadian International Development Agency to conduct a two-day training seminar on strengthening the capacity of law enforcement officials, judges and prosecutors in the Caribbean to identify and combat trafficking in persons, especially women and children, with the aim of increasing officials' awareness and strengthening their capacity to prevent and combat trafficking. Some 40 people, including police officers, immigration officials, prosecutors, magistrates and judges, participated.

In 2010, the joint efforts of the Government and non-governmental organizations continued, with awareness-raising and education programmes, investigations and convictions.

In addition, the Ministry of Amerindian Affairs innovatively integrated education and awareness information regarding trafficking of persons into its sexual and reproductive health programme. It further collaborated with the Ministry of Education to conduct workshop sessions for teachers of 11 villages in Mabaruma (administrative region 1).

As further evidence of the Government's efforts to prevent trafficking and prosecute offenders, the Ministry of Home Affairs incorporated information on trafficking into its training sessions at a community policing conference for young people and women.

The Ministry of Human Services and Social Security conducted training and capacity-building workshops for community focal points in relation to efforts to combat trafficking in persons in the hinterland communities of Lethem, Kato, Port Kaituma and Mabaruma.

Help and Shelter, a non-governmental organization, continued to support the Government's efforts by conducting public education and outreach programmes in several administrative regions and distributing brochures and posters on trafficking

in persons. The target groups included employees of health centres with prenatal and postnatal patients, teachers at the nursery, primary, secondary and tertiary levels and religious and other groups.

The Criminal Investigation Department of the Guyana police investigated seven cases of trafficking in persons, in which nine people were involved, in 2010. Of those nine people, two were charged with trafficking in persons at the close of investigations (in one of the cases two victims were involved and in the other one victim), one was charged with rape and investigations are continuing in two cases. In one case, the investigation revealed that the victim had not been a victim of trafficking and she was advised to pursue civil action for breach of contract with regard to moneys owed to her, and another investigation of a complaint made by two women revealed that they had not been victims of trafficking.

According to information provided by the ministerial task force in its 2010 report, the year 2010 marked the first time in Guyana that a person was convicted of trafficking in persons. The perpetrator was found guilty of trafficking two girls at One Mile Potaro Road, Bartica (administrative region 7), and sentenced to three years' imprisonment.

It must be noted that all reports of trafficking in persons are accorded priority, even if investigations reveal that the case was not one of trafficking. Complainants receive assistance from the Counter-Trafficking in Persons Unit of the Ministry of Human Services and Social Security.

The Unit continues to receive reports of trafficking in persons through its telephone hotline and walk-ins. All reports are thoroughly investigated. The Unit continues to provide counselling and financial and other necessary assistance to victims, and supports the ministerial task force in disseminating information and holding public awareness workshops and campaigns.

Employment

9. As is stated in the report, according to section 8 of the Prevention of Discrimination Act 1997, sexual harassment in the workplace is unlawful and the aggrieved party can move to the Magistrate Courts to have the matter heard. Please indicate whether, in light of this law, there is a complaint mechanism in place to allow women in both the public and private sectors to confidentially report sexual harassment to the employer prior to taking the case to the Courts. It is also stated in the report that at the time of reporting no cases of sexual harassment had been brought before the Chief Labour Officer. Please provide information on the extent of sexual harassment in the workplace and on the steps taken to protect women after they bring the case against the perpetrator.

As stated in Guyana's report to the Committee on the Elimination of Discrimination against Women, the Prevention of Discrimination Act 1997 provides for the Chief Labour Officer to arbitrate in instances of sexual harassment. The complaint mechanism in place is as follows: where a complaint of discrimination or harassment based on sex arises, whether in the public or private sector, the matter can be raised with a superior officer within the agency, or directly with the Chief Labour Officer of the Ministry of Labour if there is fear that further discrimination may occur. In a case of discrimination based on an individual's gender, the Chief Labour Officer intervenes and an investigation is conducted by officers of the

Ministry of Labour. If the complaint is found to be valid, the Chief Labour Officer acts as an arbitrator or negotiator between the employer and the aggrieved employee. The aggrieved employee has the right to have a lawyer present at the arbitration and, if he or she cannot afford one, can approach Guyana Legal Aid for legal assistance. The Chief Labour Officer ensures that the absence of an attorney does not prejudice the aggrieved individual.

In an instance of a complaint of sexual harassment falling within the provisions of the Sexual Offences Act or the Criminal Law (Offences) Act, there is a collaborative effort between the Ministry of Labour, Human Services and Social Security, the Ministry of Amerindian Affairs, the Ministry of Health and law enforcement agencies.

Where the complaint is received by the Ministry of Labour, the Chief Labour Officer or a labour officer processes the complaint and provides assistance for the aggrieved individual to be immediately removed from his or her employment and placed under the care and guidance of the Ministry of Human Services and Social Security, which is responsible for providing counselling, transportation and a safe haven for the individual, or the Ministry of Amerindian Affairs,⁷ in cases where the individual is an Amerindian or a resident of the interior.

The Chief Labour Officer carries out an investigation and, where a case of sexual harassment is found, informs the police of the matter, who carry out an investigation and, if appropriate, bring charges against the alleged perpetrator. The police liaise with either the Ministry of Human Services and Social Security or the Ministry of Amerindian Affairs, according to the ministry in whose care the victim has been placed.

The Ministry of Labour deals with the wage aspect of the complaint, while the Ministry of Human Services and Social Security and the Ministry of Amerindian Affairs deal with the protection, relocation and counselling of the victim. The Ministry of Health provides medical assistance to the victim.

In 2010, there was one reported case of sexual harassment falling within the purview of the Sexual Offences Act. The case involved a person of Amerindian descent who was a live-in domestic worker. The matter was reported by a neighbour. The Chief Labour Officer intervened and immediately removed the victim from the situation, placing her in the care of the Ministry of Amerindian Affairs and informing the police of the incident. The alleged perpetrator was charged. The Ministry of Amerindian Affairs provided counselling and assisted the victim to return to her family in the interior. The criminal case is pending.

The Women and Gender Equality Commission held a consultation on sexual harassment at work with staff from law enforcement, Government ministries, the Office of the Director of Public Prosecutions and non-governmental organizations, including trade unions, as part of its Labour Day activities on 1 May 2011.

Health

10. The report acknowledges that the main cause of female morbidity and mortality are high blood pressure, heart diseases and diabetes. Please provide information on specific preventative measures, such as the provision of

⁷ The Ministry of Amerindian Affairs has a welfare department and social workers knowledgeable in providing counselling, care and assistance in relocation to victims of domestic or sexual abuse.

adequate access to primary health-care services for the purpose of early screening and health education and awareness programmes that are in place to all women, in particular women who are at high risk of such diseases.

Under the National Health Sector Strategy 2008-2012, Guyana has developed a programme to address the problem of chronic non-communicable diseases that affect women. It includes a combination of:

(a) Nationally led efforts to inform individuals about how they can reduce the risks of chronic diseases such as hypertension, heart disease and diabetes and to promote environmental change through actions in other sectors;

(b) Promotion of physical activity in schools and communities and policies and regulations on smoking and alcohol, in order to encourage public and private service providers to strengthen integrated primary care, encourage early reporting of chronic diseases and offer more effective treatment and management.

Indicators and targets for progress in containing chronic non-communicable diseases have been identified to measure inputs and activities aimed at changing relevant behaviour. These include:

(a) All persons coming into contact with the health sector for non-emergency care are routinely screened for diabetes and hypertension;

(b) Some 80 per cent of people have access to preventive education based on regional guidelines, and 80 per cent of chronic diseases are diagnosed on a timely basis and receive high-quality care by 2012;

(c) The introduction of a programme to promote self-care for persons with chronic diseases and to ensure that persons living with chronic diseases have been trained in self-care by 2012;

(d) All persons living with diabetes, hypertension and cardiovascular diseases receive annual lipid investigation, eye examination and foot care;

(e) All health-care facilities use national guidelines for prevention and treatment of diabetes and hypertension, and all health facilities implement the World Health Organization integrated management of adolescent and adult illness strategy by 2012;

(f) The development of programmes to aid in reducing the proportion of school-age children who smoke.

Guyana has an extensive primary health-care system supported by secondary hospitals in the administrative regions and a tertiary care referral and teaching hospital. Through the Ministry of Health, the Government manages and funds the public health-care system, which is free and used by over 70 per cent of the population.

The primary health-care facilities hold chronic disease clinics every month and can refer patients needing more specialized care to secondary and tertiary hospitals.

The most significant challenge lies in ensuring that patients seek medical attention early and attend monthly clinics while following the prescribed regime of diet, exercise and medication.

The national insurance and social security scheme reimburses contributors for medication and provides partial financial support for medical attention (such as heart surgery) and glasses where these are purchased by the patient.

11. Reference is made in the report to the initiatives specific to maternal and child health implemented within the framework of the 2006-2010 Maternal and Neonatal Mortality Reduction Strategic Plan. Please provide information on the outcome of this strategic plan and goals achieved, and on measures envisaged under the plan to reduce maternal mortality.

The Ministry of Health has taken significant steps to address maternal and infant deaths by emphasizing early identification of high-risk pregnancies, following good practices and effectively providing services at health centres.

In a report on Guyana's progress in attaining the Millennium Development Goals published in September 2011, it was indicated that there was a reduction in maternal mortality (86 deaths per 100,000 live births) in 2008, and that access to reproductive health services increased. Improvements in maternal health have been bolstered by almost universal antenatal care coverage, increased access to improved facilities and — a key indicator of success — over 96 per cent of births are now attended by skilled health personnel, an improvement on 85.6 per cent in previous years.

The key priority in maternal health is improving the quality of care offered by the maternal health-care team, including nurses and obstetricians.

Priorities identified by the Government for further investment are increased availability of blood and fluids in all health facilities, greater availability of specialist staff trained in obstetrics and gynaecology, wider geographic coverage of skilled medical staff and of medical evacuation, promoting prenatal nutrition and strengthening the system of high-risk referrals.⁸

In the same report, it is stated that Guyana has already reached the target of reducing the under-5 mortality rate by two thirds by 2015, and aims to improve its record of reducing child mortality further.

The under-5 mortality rate declined from 120 per 1,000 live births in 1991 to 17 per 1,000 live births in 2008. This decline is attributed to the successful implementation of nutrition and maternal and childcare initiatives, including expanded programmes for comprehensive child immunization coverage, an integrated approach to child health and development and, in HIV/AIDS, the launch of a free programme to prevent mother-to-child transmission.

Priorities for the Government in this area include improving the quality of care for children under 1 year of age, especially at and around the time of birth, and improving the nutritional intake of both mothers and babies.

Women with disabilities

12. It is indicated in the report that the Persons with Disabilities Bill 2009 was expected to be enacted by July 2010. Please provide updated information on its current status.

The bill entered into law as the Persons with Disabilities Act, Act No. 11 of 2010. This comprehensive legislation underwent thorough scrutiny and further

⁸ For further information, please refer to pages 42-44 of the report. Page 46 provides relevant data and describes gaps that are being addressed.

amendment by a parliamentary special select committee before its approval by the National Assembly.

It guarantees the rights and freedoms of persons with disabilities in Guyana, spelling out the fundamental principles that must be afforded to persons with disabilities and is guided by the principles established in the Convention on the Rights of Persons with Disabilities.

The new National Commission on the Rights of Persons with Disabilities as provided for in the Act was established in early 2012 and replaces the Presidential Commission on Disabilities established in 1996.

The National Commission assumes responsibility for the office and staff of the Presidential Commission and receives budgetary support from the Ministry of Health.

Rural women

13. It is indicated in the report that the population of the State party is mainly rural, as only 27 per cent of the population is urbanized. Please provide information on access by rural women, in particular in remote areas, to health-care services, including reproductive health, employment, education and involvement in political affairs of their communities and country as a whole.

Guyana is divided into urban, rural and hinterland areas, the last-mentioned being the interior of the country, where most of the Amerindian or indigenous peoples live. Many people live in rural or new peri-urban housing areas and commute to work in urban centres.⁹

Guyana's combined seventh and eighth periodic report (see CEDAW/C/GUY/7-8) answer these issues. Paragraphs 252-255, 260 and 323-361 contain extensive information on rural women's access to health-care services, including reproductive health, employment, education and involvement in political affairs of their communities and country as a whole.

That females are equally represented in terms of school enrolment at both the primary and secondary school levels illustrates that Guyana has overcome the inequalities that existed with regard to access to education.

The number of women employed in the non-agricultural sector increased from 29 per cent to 33 per cent in 2006, signalling that the labour market was opening up to women. While overall unemployment fell to 10.7 per cent, female unemployment dropped from 15 per cent to 13.95 per cent in 2006. The proportion of females who worked for themselves or were self-employed increased from 12.8 per cent to 20.7 per cent in 2006.

Marriage and family relations

14. In paragraph 362 of the report reference is made to the Age of Consent Act 2006 and the Marriage Act 2006, which prohibit child marriage before the

⁹ Guyana will be holding its national population census in 2012 and so more up-to-date information will become available in 2013. While the 2002 census revealed that only 27 per cent of the population lived in urban centres, movement of people internally in Guyana and the emergence of new housing schemes in the 10 administrative regions show a shift in the demographic spread of the population and the emergence of new peri-urban centres in what were formerly rural areas.

age of 16. It is also indicated in the report that at the age of 18 any male or female may get married without the consent of parents. Please clarify the legal age of marriage for both women and men.

The legal age of marriage without parental consent is when a person reaches the age of majority: in the case of Guyana, 18 years. The minimum age of marriage with parental consent remains 16 years.

The age of sexual consent is governed by the Criminal Law (Offences) (Amendment) Act 2006, colloquially termed the "Age of Consent Act". The age of sexual consent is 16 years for females.

The marriageable age and the age of sexual consent should not be confused: the former deals with the age at which persons can legally enter into the union of marriage, either with or without parental consent (Marriage Act 45:01), and the latter deals strictly with the age at which females can legally enter into sexual activity without committing an offence (Criminal Law (Offences) Act 8:01).

15. Reference is made in the report to the Single Parent Assistance Programme launched in 2009, which grants an allowance to assist single parents (mainly single mothers) with day-care expenses and skills training to make them more marketable in the job market. Please provide updated information on the outcome of this programme.

The Single Parent Assistance Programme launched in 2009 continues to discharge its mandate with the aim of increasing economic opportunities and generating income for single mothers. It has had an impact on the lives of single parents throughout Guyana.

There are two components to this programme. The first is the training of single parents, and the second the provision of day-care assistance to single parents. The Government intends to extend the programme in 2012 to two additional administrative regions, 1 and 7, in the interior, where more than 400 additional single parents stand to benefit. The programme has already benefited single parents in administrative regions 2, 3, 5, 6, 8 and 10. It is anticipated that more than 700 single parents will benefit from vouchers for day-care assistance and approximately 2,000 single parents from training in small business initiatives in 2012. The aim is to see an improvement in trainees' capacity to conduct their business effectively and to afford them the opportunity to be able to source markets for production.

As at April 2012, the Ministry of Labour, Human Services and Social Security, through the Board of Industrial Training, had trained 423 single parents in cosmetology, computer repairs and electrical installation, among other skills.

In addition, the Government announced the creation of a new window through which poor and low-income women could gain access to microcredit loans, training and guidance so as to create economic opportunities for self-employment through a partnership with a commercial bank. The "Women of Worth" project, launched in June 2010, provided assistance to over 3,480 single parents, including men, in 2010 and 2011. In 2011, over 1,000 single mothers gained access to loans so as to invest in a small business. The project is the only microcredit facility available to women between the ages of 18 and 65 years.

In January 2012, the Ministry of Human Services received 430 applications from single parents who wished to tap into the facility, which was previously

available to the coastal administrative regions (2-6) and is now being expanded to administrative regions 1 and 7. The Ministry intends to enhance its efforts to provide training to single parents through its Guyana Women's Leadership Institute and similar organizations and to seek to guide single parents in marketing their skills and products. In 2011, the Institute empowered more than 230 women through its capacity-building programmes, including on life skills and, for the first time, information technology. In 2012, some 2,000 women will receive training in such areas as small business management, basic accounting and self-improvement. Public awareness campaigns will also be stepped up to inform single parents and communities about how they can gain access to the microcredit facility.

16. Reference is also made in the report to section 16 (9) of the Married Persons (Property) Act 45:04, which relates to distribution of property, and by which the judge, in making an order with respect to a property in dispute, may take into consideration the contribution made by the spouse to the marriage and to the welfare of the family depending upon the number of years of marriage and the working status of the claimant party. The State party respectfully submits that this Act is not "gender neutral". Please provide information on the measures taken to ensure equality between men and women in family matters.

While the Married Persons (Property) Act is not gender neutral, the courts adopt a gender-neutral approach in dealing with matters of the nature envisaged by this Act. The courts therefore conduct the same inquiries and apply the same tests as set out in section 16 of the Act.

It should be noted that Guyana remains a patriarchal society, with issues pertaining to the division of property coming before the courts usually as a result of the woman seeking to obtain assets from the marriage or cohabitation from her husband. Common law marriages are legally recognized and property division and inheritance are treated in the same way as in marriage.

Guyana's current laws and policies are gender neutral. Legislators will consider further amendments to the Married Persons (Property) Act in the future.

Natural disasters

17. Please provide information on the impact of natural disasters on women in the State party and whether a gender perspective has been incorporated into national disaster relief strategies and national policies aimed at combating the negative impact of climate change on families, in particular on women and children.

Natural disasters have a negative effect on women and children because they are among the most vulnerable groups in any society.

During the 2005 flood, when over 300,000 people were affected, women and children suffered from waterborne diseases, with many being taken to or voluntarily seeking refuge at temporary shelters.

Within 24 to 36 hours, food relief and water were being distributed throughout the affected areas by the Government and the Civil Defence Commission. The Ministry of Health launched a massive public campaign with United Nations support, during which free medication was distributed to residents to prevent an

epidemic. After the floods abated, the Government provided financial assistance to those affected by loss of property, crops and livestock.

The Government continues to ensure the protection of women and children through projects such as that on strengthening national and local capacity for disaster response and risk reduction, an initiative running from 2009 to 2012 that is jointly funded by the United Nations Development Programme, the Government and the Inter-American Development Bank. A critical component of this project is the development of a disaster risk management policy in Guyana, which is currently being finalized. The policy will focus on gender mainstreaming strategies, measures and initiatives that will entail:

- (a) Committing to gender analysis and gender mainstreaming through enhanced cooperation and collaboration among all stakeholders;
- (b) Ensuring women and men's equal access to early warning systems for natural hazards;
- (c) Establishing gender-specific data and statistics on the impact of disasters;
- (d) Carrying out gender-sensitive vulnerability, risk and capacity assessments;
- (e) Increasing the awareness of the public and media of gender-sensitive vulnerabilities and capacity in disasters and gender-specific needs and concerns in disaster risk management;
- (f) Supporting research institutions to study the costs, benefits and efficiency of gender-sensitive policies and programmes in disaster risk reduction, climate change adaptation and poverty reduction;
- (g) Supporting gender-sensitive financial risk-sharing and risk-transfer mechanisms;
- (h) Improving disaster preparedness, response and contingency planning from a gender perspective to ensure responsiveness to the specific needs and concerns of men and women;
- (i) Increasing women's participation in disaster relief coordination and securing equal access to disaster relief assistance between men and women;
- (j) Supporting the mainstreaming of issues affecting women and children, so as to enhance their safety and protection and build their resilience. This is a cross-cutting aspect.

Optional Protocol and amendment to article 20 (1)

18. Please provide information on any progress made with respect to ratification of or accession to the Optional Protocol to the Convention. Please also describe progress towards acceptance of the amendment to article 20 (1) of the Convention.

The ratification of or accession to the Optional Protocol to the Convention and the Government's acceptance of the amendment to article 20 (1) of the Convention are under consideration.