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Summary record of the 4099th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 19 March 2024, at 3 p.m.

Chair: Ms. Abdo Rocholl

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* No summary record was issued for the 4098th meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Third periodic report of Guyana (continued) (CCPR/C/GUY/3;
CCPR/C/GUY/QPR/3)*

1. *At the invitation of the Chair, the delegation of Guyana joined the meeting via video link.*

2. **Mr. El Haiba** said that he would like to know what action the State party had taken to introduce or strengthen legal quotas for the representation of women in national and local legislative assemblies and how the impact of such quotas was evaluated. It would be useful to learn what obstacles the State party had encountered in its efforts to improve the representation of women and how they were being overcome. The delegation was invited to outline any training or awareness-raising initiatives it had launched to improve the application of gender equality provisions in judicial and political decisions. Had any measures been taken to strengthen women's participation in the economic and educational spheres? He wished to know whether there were any plans to develop indicators to gauge the impact of the measures taken to achieve gender equity. The delegation was requested to comment on reports that foreigners, particularly women, under the State party's jurisdiction had no judicial recourse if they were victims of abuse. Information would be welcome on the implementation of recommendations made by the Committee during the State party's last review.

3. He wished to know what measures the State party had taken to combat violence against women, including domestic and sexual violence, taking into account the concluding observations of the Committee on the Elimination of Discrimination against Women. It would be interesting to learn of any initiatives for encouraging women to report incidents of violence and particularly any measures to address social stigma and improve access to justice throughout the country. He would like to learn how the State party was dealing with the backlog of cases of gender-based violence and how it was addressing the fact that the prosecution rates for such cases were so low. What measures had been taken to prevent femicides? He would like to know more about the workings and conviction rates of the Sexual Offences Courts. Information would be welcome on the measures taken to provide shelters for domestic violence victims and their children throughout the State party, on the types of services provided to such victims and on the way in which those services were financed. Were statistics available on the number of cases of violence committed by police officers against their romantic partners and on the corresponding investigations, prosecutions, convictions and penalties imposed?

4. He wondered what measures had been taken to ensure the full implementation of the Medical Termination of Pregnancy Act. Data would be appreciated on the accessibility of abortion services, quality post-operative care and advice on contraception for all women, particularly women living in poverty. Information on maternal mortality rates would also be welcome.

5. **Mr. Helfer** said that he would like to learn more about the agencies that had replaced the State Assets Recovery Agency and about the civil forfeiture procedures carried out by those agencies, including the number of cases, the persons concerned and the amounts recovered. Had the agencies' work given rise to any criminal prosecutions? He would like to know whether those agencies undertook proactive investigations and how the State party responded to public allegations of corruption. For example, it would be useful to know whether the State party was investigating allegations against Ms. Mae Toussaint Jr. Thomas and, if not, why not.

6. In the light of the divergent stances adopted by government officials and the courts on capital punishment, he wondered how the State party planned to maintain a consistently proactive position in favour of the abolition of the death penalty during the forthcoming constitutional reform process and whether that process would affect the pledge made by the State party during its recent universal periodic review to accede to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. It would be useful to

learn whether a procedure was in place for individuals sentenced to death to seek a review of their convictions and sentences based on newly discovered evidence. If so, what remedies were provided to persons found to have been wrongfully convicted?

7. Information would be welcome on any progress made by the presidential commission investigating allegations of extrajudicial killings committed between 2002 and 2006. He would like to know what action the State party was taking to prevent extrajudicial killings, particularly those committed by the Guyana Police Force, and to ensure the effective and transparent investigation of such allegations and the punishment of those responsible. He invited the delegation to comment on reports of disproportionately high rates of racial profiling and extrajudicial killings of Afro-Guyanese citizens and wished to learn more about the status of the Parliamentary Standing Committee to Oversee the Security Sector and about its work. Did it monitor fulfilment of human rights treaty obligations?

8. **Ms. Tigroudja** said that she would like to know more about the Environmental Protection Agency and its ability to impose strict environmental standards. She wished to learn whether an investigation had been conducted into the allegations of corruption on the part of ExxonMobil Guyana and, if so, what the findings had been. She wondered what steps the State party was taking to implement the Paris Agreement and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).

9. The delegation was invited to comment on reports of police officers extracting forced confessions and of the excessive use of force and verbal, mental, and sexual violence against persons held in pretrial detention. Comments would be welcome on reports of the excessive use of force against children during arrests and of children being held in custody together with adults. The Committee had received reports of the brutal treatment of LGBTIQI+ persons and the misuse of the law against same-sex sexual relations to pressure accused persons into engaging in prohibited acts. Updated information would be appreciated on the legislative framework for the prohibition of torture and other ill-treatment and regulation of the use of force by the authorities; the measures taken to prevent the extraction of confessions during police custody and their use in judicial proceedings; charges brought against police officers and the sentences handed down; and victims' access to civil justice and to medical and psychological support measures.

10. **Mr. Quezada Cabrera** said that, with reference to paragraph 16 of the list of issues prior to submission of the report (CCPR/C/GUY/QPR/3), he wished to gain a greater understanding of the relationship between the Police Complaints Authority and judicial bodies. He would also like to know what action had been taken to investigate allegations that the police commissioner had obstructed the work of the Police Complaints Authority.

11. **Mr. Carazo** said that he would like to know whether all of the prison visiting committees had been reinstated and when the Prison Parole Board had suspended its activities before being reconstituted in November 2020. Statistics on the activities of the committees and the Board would be appreciated. Were pretrial detainees always separated from convicted prisoners and were children always held separately from adults? He would like to know when the restorative justice bill and the bail bill might be approved and if any progress had been made towards the adoption of alternatives to prison sentences.

The meeting was suspended at 3.35 p.m. and resumed at 3.45 p.m.

12. **A representative of Guyana** said that tremendous strides had been made with respect to gender equality. Women accounted for 39 per cent of the Members of Parliament, and there were 8 women judges, 2 female land court judges and 21 women magistrates. In addition, 12 per cent of the Members of Parliament were of Indigenous descent, which was especially important in the diverse culture of Guyana. Investments had been made in training designed to help women reach their full potential. Sixty per cent of the 21,000 participants in the Guyana Online Academy of Learning were women and, through the Women's Innovation and Investment Network, 11,670 women with no formal training had undertaken vocational training. A sample survey had indicated that 45 per cent of the participants had subsequently found employment and 25 per cent had started their own business. A majority of persons in the teaching profession and a majority of civil service staff were female. Access to social welfare programmes was being improved for women who had children in their care, and

childcare services were being expanded. From 2021 to 2022, her country's ranking in the Global Gender Gap Report had improved from fifty-third to thirty-fifth, and Guyana had one of the highest percentages of women property owners in Latin America and the Caribbean. Women were the main beneficiaries of government housing subsidies.

13. The allegation that foreigners had no access to the courts was untrue. There were a number of cases where foreign nationals had successfully brought proceedings through the Guyanese court system. For example, in one case, a number of Haitian nationals had successfully challenged their wrongful arrest in the courts, while, in another case, a Jamaican woman had been awarded US\$ 3.1 million by the High Court after it had found that she had been unlawfully detained. Many of the allegations relayed by the Committee had never been brought to the police, the courts or the rights commissions, which did not discriminate between citizens and non-citizens in the provision of protective measures.

14. Over the reporting period, and thanks to the proactive approach taken by the police, there had been a considerable increase in the number of sexual and domestic violence cases reported and brought to trial and in the number of convictions secured. Significant resources had been invested in providing training on dealing with sexual and domestic violence cases for police officers, judges, counsellors, social workers and health workers, and most police stations had protective safe rooms for victims of those offences in order to maintain confidentiality. There were two public shelters for victims of sexual and domestic violence in the coastal regions and a family centre that provided care to child survivors of domestic violence. Victims could use the services of the legal aid clinic in Linden, and the Government had recently launched an initiative to provide women in abusive situations with State protection and legal support. The courts offered safe houses for victims of abuse. The Hope and Justice Centre offered vouchers, groceries and a three-month rental subsidy to victims of gender-based violence to help them to cover living expenses once they had been separated from their abusers. The Caribbean Court of Justice had recently praised Guyana for being the first country in the Caribbean Community to have established specialized courts for sexual offences. The three courts of that nature were presided over by one judge each. They employed expert counsellors to assist victims and were fitted with safe rooms in which victims could give testimony and view the proceedings from afar. The conviction rate for sexual offences had risen from 10 per cent in 2016 to 60 per cent in 2018.

15. According to the most recent data for the period from 2021 to 2023, there had been no reports of major complications following pregnancy termination procedures. By law, only doctors who had undergone specific training and received appropriate certification were authorized to perform abortions in Guyana. Post-abortion services and birth control were also widely available. The State was committed to protecting the right of women to do what they wished with their own bodies but strongly discouraged recourse to abortion as a form of birth control. The maternal mortality rate had fallen from 190 deaths for every 100,000 births in 2000 to 93 deaths for every 100,000 births in 2023, thanks to the State's continued efforts to provide training in maternal care for doctors and nurses and to equip health centres with the facilities and resources necessary to deal with pregnancy-related issues. In the event of complications during pregnancy in remote areas, it was standard procedure for doctors to request medical evacuations, the cost of which was borne by the Ministry of Health. There was a specialist unit of the Ministry of Health for assisting women diagnosed with breast or cervical cancer. In cooperation with non-governmental organizations (NGOs), educational campaigns had been organized to raise public awareness of the early signs of those diseases and of prostate cancer. The public authorities had received no reports of insufficient care having been provided to women diagnosed with cancer.

16. There had been a number of civil forfeiture procedures about which details could be provided to the Committee. Regarding allegations of corruption in the Government, since 2021, six former ministers and members of the Guyana Elections Commission had been charged with conspiracy to defraud the electorate. The fact that corruption charges had been brought against 13 police officers in 2021, 14 in 2022 and 6 in 2023 represented a substantial improvement in terms of accountability in the police force; 26 police officers had been charged with interpersonal violence against their partners.

17. The 2010 amendment to the Criminal Law Offences Act had removed the mandatory death penalty for persons convicted of murder. The death penalty was retained only in limited

cases such as murder of an on-duty police officer and murder in the context of piracy. The courts rarely imposed the death sentence and instead generally imposed life imprisonment with the possibility of parole after 20 years for the most serious crimes.

18. Under the Environmental Protection Agency Act, the Agency was required to organize consultations with communities affected by projects that had an environmental impact. It was not true that ExxonMobil Guyana did not take part in such consultations but instead interacted only with the Government. Regarding access to information, documents regarding the production sharing agreement of 2016 had been made public in 2017. In relation to the allocation of carbon credits under the Low Carbon Development Strategy, the allegations in that regard had been made by one NGO, the Amerindian Peoples Organization, which had submitted a claim to the Architecture for REDD+ Transactions initiative, alleging that no consultations had been organized with the affected communities. An investigation had been carried out by the Architecture for REDD+ Transactions initiative, and the claim had been found to be based on false information. The Committee might wish to refer to the initiative's press statement recapping the investigation. Regarding allegations of illegal mining operations in Amerindian communities, the Amerindian Act required that all operations in Amerindian communities must have been authorized by the relevant Amerindian village council and must comply with the environmental and mining laws of Guyana. The rivers of Guyana, however, were public property.

19. Members had been appointed to the prison visiting committees for all prison facilities, and the Parole Board had been re-established. The Police Complaints Authority was fully functional. Under Police Complaints Authority Act No. 9 of 1989, the Authority had the power to investigate all allegations of abuse or misconduct by police officers. By law, the Authority was headed by a former retired judge. It was completely untrue that children in conflict with the law and child victims of crime were held in the same facilities as adult prisoners. The State had a compendium of statutes for the protection of the rights and safety of all children, including children in conflict with the law. It comprised, inter alia, the Protection of Children Act, the Childcare and Protection Agency Act, the Adoption of Children Act and the Childcare and Development Services Act. Children in conflict with the law were placed in the custody of the Childcare and Protection Agency.

20. The restorative justice bill and the bail bill had been passed into law as the Restorative Justice Act and the Bail Act, which were now in force. There had been a significant reduction in the use of pretrial detention in recent years. On the basis of recommendations made by the United Nations Working Group of Experts on People of African Descent, the Government had invested heavily in improving prison conditions and reducing overcrowding. It was also building a women's prison. Persons who had been wrongfully convicted could file claims for compensation in the Guyanese courts. There were many cases in which persons who had been subjected to unlawful arrest and detention had been granted large sums as compensation. The police officer who had shot and killed Quindon Bacchus in 2023 had been arrested, charged and was standing trial.

21. **Ms. Tigroudja** said that the information on which the Committee members based their lines of questioning had been cross-referenced and came from credible sources. She would be grateful if the delegation could provide substantive responses to the Committee's questions, rather than simply stating that the reports were false. Bearing that in mind, she would appreciate a more detailed response concerning the measures taken by the State party to ensure that children in conflict with the law were not detained in the same facilities as adult prisoners.

22. She would welcome clarification as to whether independent investigations had been carried out into the allegations that ExxonMobil Guyana had transferred funds to the Government during the negotiation of the 2016 production sharing agreement. It would also be useful to receive a full account of the measures taken to ensure that the Environmental Protection Agency was free from undue influence by large oil companies and that its reports were readily available to the public.

23. **Mr. Helfer** said that he was awaiting a response to his earlier question about the Government's stance on the abolition of the death penalty in the context of the constitutional reform process. He would also appreciate a more detailed reply to his earlier question about

the avenues open to individuals sentenced to death for seeking a review of their convictions and sentences based on new evidence and, in the event that they had been wrongfully convicted, of securing reparation.

24. **Mr. Quezada Cabrera** said that he would welcome further clarification of the powers of the Police Complaints Authority, particularly with respect to the suspected commission of human rights violations or a criminal offence by a police official. It would be useful to know whether the Authority referred such complaints to law enforcement authorities and whether it was authorized to impose administrative sanctions on the responsible party or parties. Lastly, he would be grateful for the delegation's comments on allegations by the Chairman of the Police Complaints Authority that the Police Commissioner was obstructing the review of complaints submitted to the Authority.

25. **Mr. El Haiba** said that he would like to know what measures were being taken to ensure that medical personnel all over the country, and particularly those working in rural and poor areas, received training in the performance of abortions. It would also be useful to learn more about the initiatives taken by the State party to promote women's access to sexual and reproductive health services, above all in rural areas. He would be interested to know what official statistics on breast cancer might be available and, in that regard, what facilities had been set up to provide women with medical prevention and diagnostic services and to ensure that patients had access to treatment.

26. **Mr. Carazo** said that he wished to know which prison had been the subject of the extensive renovation and improvement works described by the head of the delegation. He would also welcome further information on the measures that the State party was taking to ensure that oil revenues benefited the entire population. It would be useful to know to what extent the standard of living of people in Guyana had risen over the previous five years and whether the Government had any data on trends in the distribution of national wealth over the same period.

27. **A representative of Guyana** said that a number of the allegations mentioned by the Committee had not been publicized in her country and had not been made the subject of formal complaints submitted to the police or the Human Rights Commission. Of course, the Government would be willing to examine any further information the Committee could provide on those allegations with a view to conducting investigations into them. However, the delegation was unable to offer its own information on allegations with which it was entirely unfamiliar, such as those concerning the Vice-President or those suggesting that children deprived of their liberty were not always separated from adults. With regard to the latter question, it was clearly established in the Juvenile Offenders Act of 2018 that children under the age of 17 awaiting trial or serving a prison sentence must be held separately from adults in a dedicated holding facility. Children who turned 17 during their sentence were transferred to an adult prison but continued to be housed separately.

28. The Environmental Protection Agency had been established to help to fulfil the State's constitutional duty to protect the environment. The Agency was entirely independent of ExxonMobil, and the delegation was not aware of any special relationship between the two. The World Bank had granted Guyana a loan of US\$ 20 million and had agreed to provide technical assistance to strengthen the Agency's regulatory framework, particularly with respect to the oil and gas sector. The Agency was required by law to keep detailed records on each new environmental authorization granted, each cancellation, revocation, variation or transfer of an existing environmental authorization, and reports on each and every incident involving actual or potential environmental harm. All information was made available to the public on the Agency's website unless it related to ongoing investigations or ongoing economic undertakings.

29. No investigations had been conducted into the negotiation of the production sharing agreement signed between the Government and ExxonMobil in 2016. Nor had any inquiry been set up to investigate allegations of extrajudicial killings committed between 2015 and 2018.

30. She was not aware of any contradictory statements relating to capital punishment made by government officials between 2020 and 2023. Both the current Government and the political party that had formed it had consistently maintained that the people of Guyana

should be given the opportunity to decide whether or not to retain the death penalty in their country. Concerning the right to appeal, a person on death row could submit an appeal to the relevant court should new evidence come to light in his or her case. If that appeal was rejected, the person was entitled to lodge a request for judicial review of the decision.

31. All members of the public had the right to submit a complaint to the Police Complaints Authority either in person or in writing. The Authority had the power to investigate the complaints it received, including by calling for a coroner's inquest, and to ask the Director of Public Prosecutions to review the complaints. However, it did not have the power to penalize police officers who were suspected of wrongdoing. The Authority's work had sometimes been delayed because the Guyana Police Force had been slow to provide it with the information it needed for its investigations. However, over time, the investigative capacity of the Authority had been strengthened, and it no longer relied so heavily on the information contained in police files.

32. The Government had taken the statements made by the Working Group of Experts on People of African Descent concerning conditions at the Lusignan Prison very seriously. It had completed the construction of a new facility holding around 1,500 inmates at that site and, as a result, prison conditions had dramatically improved. There were five main prisons in Guyana. The New Amsterdam Prison was currently undergoing large-scale renovation works, and a new women's prison was being constructed at the Lusignan Prison site. Since taking office, the Government had introduced new training and education programmes to improve the literacy, numeracy and other skills of inmates.

33. Only obstetricians who had been certified by the Medical Council of Guyana could carry out surgical abortions. As a result, in certain parts of the country, women still did not have access to hospitals that were equipped to carry out abortions. However, access to abortion services was one of the issues that was being addressed under the Government's plans to build 12 new hospitals and renovate existing hospitals throughout the country. According to official statistics, in 2022, 88 cases of prostate cancer, 50 cases of breast cancer and 26 cases of cervical cancer had been diagnosed in Guyana. All medical centres run by the Ministry of Health could carry out checks for breast and prostate cancer and could refer patients for further diagnosis and treatment. Sexual and reproductive health services were available at primary health-care centres. People were free to choose which contraception method they wished to use, and there were special sexual and reproductive health programmes for teenagers.

34. Although Guyana had the potential to generate significant income from oil and gas activities, only 30 per cent of the State budget for 2024 was financed using revenue derived from those sectors. The use of national oil and gas revenue was regulated under the Natural Resource Fund Act of 2021. No politicians or government officials sat on the board of directors or the other committees that oversaw the management of the National Resource Fund. All the oil and gas revenue paid into the Fund had to be declared and published on a quarterly basis, and all proposals concerning the use of those funds were submitted for consideration by the National Assembly. The Act had been passed to ensure greater transparency and to address the financial issues experienced prior to 2020 that had led to disputes between Guyana and the oil companies operating within its territory.

35. Thanks to the discovery of oil reserves, Guyana had made tremendous progress towards improving infrastructure and providing its people with better education and health services. It had transformed itself from one of the poorest countries in the Western Hemisphere into a nation whose people looked to the future with hope and optimism. In spite of the opportunities that oil production provided, however, the Government had not lost sight of its twin responsibilities to protect the land and improve the lives of the Guyanese people.

36. **Ms. Tigroudja** said that the Committee had made sure that all the reports submitted by civil society organizations in relation to its review of the State party were available on its website. The State party therefore had access to the information that the Committee had used in preparing its questions. Given that national income had sharply increased since the discovery of oil in Guyana, it was no coincidence that many of those questions had referred to corruption. The State party must not allow powerful corporations to interfere with its efforts to use oil revenues to bring tangible benefits to the people of Guyana. On a related

matter, the delegation might like to comment on reports suggesting that the current director of the Environmental Protection Agency was not taking sufficient action to enforce environmental standards. She wished to know who was responsible for appointing the director and what steps were taken to guarantee the Agency's independence.

37. **A representative of Guyana** said that, in preparation for the constructive dialogue, the delegation had reviewed the reports from civil society organizations that had been uploaded to the website of the Committee. However, the Committee had referred to certain allegations, notably concerning children in adult detention facilities and the Vice-President, that had not been mentioned in those reports.

38. The former director of the Environmental Protection Agency had been widely criticized for his role in signing the production sharing agreement with ExxonMobil in 2016. The agreement had been signed in secrecy and had only been brought to light by the media a year later. The current Government had therefore seen fit to remove the former director, and the Agency's board had overseen the process by which a new director had been named. The project linked to the loan provided by the World Bank was 70 per cent complete. Between the present time and the project's scheduled conclusion in December 2025, the World Bank would continue to offer its technical expertise in strengthening the outdated regulatory framework governing the Agency.

39. The Government was determined to ensure that Guyana did not fall into the trap of becoming overly reliant on oil revenues. To that end, it was making investments in new industries such as ecotourism, technology and hospitality, as well as in the diversification of agriculture. Thanks to its low carbon strategy, the Government had also developed a new revenue stream through the sale of its excess carbon allowance. Guyana had reiterated its commitment to that strategy in a pledge announced under the Human Rights 75 campaign. It had also reiterated its determination to protect the international rule of law and the principles of multilateralism, to build the institutional capacity of the national mechanism for reporting and follow-up, to increase budgetary support for basic services and the development of Indigenous communities and to strengthen the capacity of constitutional oversight bodies.

The meeting rose at 5.05 p.m.