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Dixième session

Point 3 de l'ordre du jour

**PROMOTION ET PROTECTION DE TOUS LES DROITS DE L'HOMME,
CIVILS, POLITIQUES, ÉCONOMIQUES, SOCIAUX ET CULTURELS,
Y COMPRIS LE DROIT AU DÉVELOPPEMENT**

**Notes verbales* datées des 11 et 12 mars 2009 adressées au Haut-Commissariat
des Nations Unies aux droits de l'homme par la Mission permanente de
la République du Guyana auprès de l'Organisation des Nations Unies
concernant le rapport de l'Experte indépendante sur les questions
relatives aux minorités, M^{me} Gay McDougall**

La Mission permanente de la République du Guyana auprès de l'Organisation des Nations Unies présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de lui faire tenir ci-joint les commentaires et observations du Gouvernement guyanien au sujet du rapport de l'Experte indépendante sur les questions relatives aux minorités, M^{me} Gay McDougall, sur sa mission au Guyana du 28 juillet au 1^{er} août 2008.

La Mission permanente de la République du Guyana demande en outre que le présent document et son annexe soient distribués en tant que document officiel de la dixième session du Conseil des droits de l'homme, conjointement au rapport de l'Experte indépendante, qui sera examiné le 13 mars 2009.

La Mission permanente de la République du Guyana auprès de l'Organisation des Nations Unies saisit cette occasion pour renouveler au Haut-Commissariat des Nations Unies aux droits de l'homme les assurances de sa très haute considération.

New York, le 11 mars 2009

* Reproduites dans les annexes, telles qu'elles ont été reçues, dans la langue originale seulement.

La Mission permanente de la République du Guyana auprès de l'Organisation des Nations Unies présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et, se référant à sa note 80/2009 par laquelle elle avait transmis les commentaires et observations du Gouvernement guyanien au sujet du rapport de l'Experte indépendante sur les questions relatives aux minorités, M^{me} Gay McDougall, sur sa mission au Guyana du 28 juillet au 1^{er} août 2008, a l'honneur de communiquer ci-joint des précisions complémentaires sur ledit rapport, qui sont à lire en complément du document précédent.

La Mission permanente de la République du Guyana demande en outre que le présent document et son annexe soient distribués en tant que document officiel de la dixième session du Conseil des droits de l'homme, conjointement au rapport de l'Experte indépendante, qui sera examiné le 13 mars 2009.

La Mission permanente de la République du Guyana auprès de l'Organisation des Nations Unies saisit cette occasion pour renouveler au Haut-Commissariat des Nations Unies aux droits de l'homme les assurances de sa très haute considération.

New York, le 12 mars 2009

Annexe I

Government of Guyana's Comments and Observations on the Report of the Independent Expert on Minority Issues on her visit to Guyana, July 28-August 2, 2008.

The State Party wishes to express its displeasure and disappointment on the Draft and Revised Draft Reports of the UN Independent Expert on Minorities resulting from her visit to Guyana over the period from July 28 to August 2, 2008.

The State Party wishes to emphasize that there was neither an understanding nor any indication that the UN Expert's visit was intended to focus on any one ethnic group. Furthermore, there was no indication that the Independent Expert would be focusing on Afro-Guyanese, and, the relations between Afro-Guyanese and Indo-Guyanese as stated in the Draft Report.

The Guyana Government was approached by the Independent Expert for an invitation to visit Guyana to which the Government readily agreed.

The State Party understood this in the context of the Resolution 2005/79 of 21 April 2005, to appoint an independent expert on minority issues:

“a) to promote the implementation of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities:..”

The State party made several efforts through the Guyana Permanent Mission to ascertain the focus and objective of the visit so as to facilitate the preparation of the Independent Expert's programme. No information was provided by the Office of the Independent Expert.

Correspondence received by the State Party dated June 4, 2008, on the eve of the Independent Expert's visit, stated

“ I welcome the possibility to meet with Government Authorities in order to consult with them and engage in a constructive dialogue on minority issues relevant to my mandate.....I will also consult with independent actors ...and members of minority communities among others, in order to solicit their views and will make independent arrangements for such meetings....”

At that late stage, the State Party had no idea of the Independent Expert's focus or area of interest nor was this stated or declared during the Independent Expert's visit.

The State Party, however, having submitted a response to the Independent Expert's Questionnaire on Minorities and Citizenship in December 2007 and submitted its report to the UN CERD in 2006 and its interim report in July 2007, felt comfortable that it would be well able to accommodate the visit and be able to show its experiences and best practices.

The State Party in the absence of information therefore applied its literal understanding of the Independent Expert's mandate. It was only on the receipt of the draft report in January 14, 2009 that the State Party became aware of the focus of the visit.

The State Party registers its profound concern in relation to the scant regard and manner in which a member state of the United Nations and signatory to five Human Rights treaties was treated.

Furthermore, The State Party registers its bewilderment as to the shift in the Expert's mandate as expressed in the Draft and revised Reports and what it perceives is a contradictory position in relation to minority concerns.

Firstly, the Expert advises in the **Introduction**, # 3, that her mandate arises from the **1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities**.

The methodology of the Expert recognizes four (4) areas in which minority issues would be reported on:

- 1) Protection against Violence;
- 2) Protection of Cultural Identity;
- 3) Non-Discrimination and Equality;
- 4) Political Participation of Minorities;

The Expert indicated that she would capture the sentiments of minorities in these four areas and record official responses and reactions and thence make recommendations.

The State Party received the Draft Report on January 14, 2009, reviewed it and submitted a comprehensive and detailed response to every section of the Draft Report on February 10, 2009. The State Party anticipated that the Draft Report would have been suitably revised to include the State Party's submissions including the removal of gross inaccuracies and offensive statements.

Regrettably, on receipt of the final revised draft version (dated February 16, 2009) on February 27, 2009, the State Party recognized that few of its observations, clarifications, and corrections of misinformation and subjectivism were incorporated.

The State Party now therefore officially submits its **General Comments and Observations on the Revised Draft Report** and its specific responses to the said document which are attached, and, asks that these documents be translated and officially submitted and circulated to the 10th session of the Human Rights Council.

i) Change of Mandate

The State Party has difficulties comprehending on what basis the mandate of minorities was switched to examining exclusively the concerns of Afro- Guyanese---an ethnic group comprising 30.2% of the population--- who are a sizeable, significant and influential component of the body politic and cultural fabric of the society.

Guyana emphasizes that it is a multi-ethnic, multi-cultural, and multi-religious society. The ethnic breakdown includes Indo-Guyanese 43.5%, Afro-Guyanese 30.2%, 16.7% ethnically mixed, Amerindians 9.2% and 0.4% is made up of Portuguese and Chinese Guyanese. The three

main religions are Christianity, Hinduism and Islam in that order and smaller religious and cultural sub-groups such as Bahai's, Rastafarians, and traditional spiritualists. Linguistically, the Amerindian population is made up of nine distinct groups with their separate languages. Whilst English is the official language, Creole (a mele of "pidjin" English, some retained memory of African languages, French, Dutch and Hindi) is also spoken.

The country has no policy on minorities. Although statistically, it is recognized that there some ethnic groups which are minorities. This was made clear in the State Party's response to the Independent Expert's Questionnaire on Minorities and Citizenship in December 2007.

The Guyana Constitution, however, makes special provisions for Amerindians and their cultural, linguistic and land rights. As the first people to inhabit this area they were subjugated, neglected and discriminated against for centuries, and as such the Constitutional Reform process (1999-2003) lead by a bi-partisan and multi-stakeholder Constitutional Reform Commission were of the view that these special provisions should be made in order to confer on the indigenous population long overdue recognition and protection.

It is incomprehensible to this State Party that the Amerindian population, the largest defined minority (ethnically, culturally and linguistically as provided for in the UN Declaration on Minorities) appears to have been reclassified, ignored and shunted to another Special Rapporteur!

The Independent Expert tenders no explanation in relation to the other minorities – ethnic, cultural or religious.

The Independent Expert argues that since matters relating to indigenous peoples fall within the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples, they will not be addressed in the report. See paragraph # 7 of the revised draft.

However, this reluctance seems contrary to the Expert's mandate which is primarily to promote the implementation of the 1992 Declaration on Minorities.

The State Party refers to Article 27 of the ICCPR which is hailed by the Human Rights Committee (in its jurisprudence and General Comments) as the main basis and avenue of protection of minority and indigenous rights. The State Party reiterates that since the Amerindian peoples of Guyana are without doubt an ethnic, cultural and linguistic minority group, the Independent Expert's posture appears to be fundamentally flawed.

If the State party were to follow the logic of the action of the Independent Expert then her posture should have been consistent and the same should have held true for issues that the Independent Expert observed relating to racial discrimination, torture, discrimination against women, freedom of expression, as these are also covered by the Special Rapporteurs for Torture, Justice, Freedom of Opinion and Expression, Contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, all of whom are mandated to address these same areas as well as the Committees to which the State Party reports.

The State Party refers again to Resolution 2005/79 of April 21, 2005, which outlines the Independent Expert mandate,

“(d) to cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations:”

This State Party expects no less than an explanation for this change in the mandate of the Expert, nor can it understand the implied secrecy surrounding the meetings and those who participated.

The State Party affirms that Guyana is an emerging democracy and poor developing country that has taken quantum leaps in the last 16 years in regards to radically altering the architecture of the state through comprehensive constitutional, legislative and parliamentary reform. The political architecture of the state has established inclusive governance as the methodology of the state's modus vivendi and modus operandi as enshrined in the Constitution. The advocacy made for shared governance flies in the face of the comprehensive provisions of the Constitution, and, ignores the fact that the Leader of the Opposition, a constitutionally protected post, has a veto on the appointment of key constitutional post holders.

The State Party can only offer any rationale for this inexplicable approach based on the Expert's lack of experience in comparable multi-cultural, multi-ethnic, multi-religious societies such as Trinidad and Suriname in this Region.

ii) Actual Methodology and Content of Draft and Revised Reports

The State Party questions the treatment of the declared 4 areas of minority interests and advises that these warrant closer examination.

For instance, with whom did the Expert meet, how representative were their views, what level of proof was required in recording these allegations so replete in the Draft and revised Report.

These questions must be asked by the State Party in order to understand how much of the draft report--- and moreso, with the draft revised report-- is based on the most general of claims, sources, rumours, allegations, etc. All of these could have been repudiated if they had been adequately raised with the Government during the visit.

The State Party is concerned that although some changes were made to the revised report, fundamentally the report, its observations, recommendations and conclusions remain unchanged. The Independent Expert continued to report these allegations with questionable pronouncements on official information, statistics, policy and practices.

A most glaring example of an omission is the analysis and contribution of poverty to the availability and distribution of scarce and limited resources; the status of the implementation of the Poverty Reduction Strategy Programme and the assessment of Guyana's status in regards to the Millennium Development Goals. These all paint a profile of the stark reality of the country in relation to its challenges, achievements and availability of scarce resources.

The State Party provided data from an independent body, the World Bank Poverty Assessment Survey 2008, in response to the draft report, this information which was provided to debunk some of the inaccuracies and allegations was not included in the revised draft.

The State Party is concerned that Guyana is portrayed as an ethnically polarized society by the Independent Expert in which one ethnic group dominates another at all levels.

The Independent Expert ignored mere statistics that illustrated that no political party and no ethnic group through a political party could gain power as no ethnic group has a majority to win 51% of the vote required by the constitution. The Government won 54.7% of the votes at the 2006 national elections judged by an international observer mission as free and fair; this was not achieved through ethnic voting.

b) Treatment of official contributions

The State Party has already recorded the patently inadequate and superficial treatment meted out to the State Party. It is not unreasonable to have expected that based on the allegations raised, assuming these were raised with the State Party, that there would have been more space allocated to the documentation provided.

The uncritical reporting of serious allegations and the miniaturization of the State Party's responses are extremely offensive and flies in the face of the State Party's rights and the will of the people it represents.

Although in the revised draft some additional space is given to the State Party many of the fundamental accusations that the State Party provided factual responses to were not included. Therefore those allegations, some are extremely serious, remain unanswered.

The State Party records its disappointment that despite the provision of a comprehensive and detailed response the Independent Expert's observations and conclusions remain unchanged.

c) Specific

The State Party records its observation that the Historical context reflects a careful rejection of unambiguous documented information about actions both local and foreign in the colonial and post-independence turmoil of Guyana.

So too was information/documentation on the fraudulent elections in the period 1964-1985 and the reports of the international observer missions from 1992-2006 comprising of representatives of the US, British, Canadian governments, the Caribbean Community (CARICOM), the Commonwealth Secretariat and the Organization of American States which validated the national and regional elections of 1992, 1997, 2001, and 2006 as being free and fair.

The Independent Expert referred to Afro-Guyanese trade unions and discrimination against these entities. The State Party advised that there is no Afro-Guyanese trade union and provided her with adequate documentation in response to the specific allegations made. However, that entire section remained unchanged.

The State Party has responded to specific issues in the draft and revised reports which is attached and asks that these be officially circulated to the UN Human Rights Council for its agenda item on the report of the Independent Expert on Minorities.

iii) Assessment of the Four areas:

Protection from Violence

The State Party notes that the Independent Expert's seeming unfamiliarity with the political dimensions of power- seeking in plural societies makes her unusually susceptible to the wiles of extremist elements.

The State Party is aware of a particular political grouping of Guyanese, living in the USA, declaring that they had been organizing their contacts in the USA and in Guyana in preparation of the Independent Expert's visit to ensure that the government would be embarrassed on issues of race and Afro-Guyanese. The State Party has proof of this orchestrated campaign.

Furthermore, despite the State Party knowing of this plan, it did nothing to influence or prevent the Independent Expert from meeting whomsoever she wished to meet.

The State Party, therefore, is not surprised that the Draft and revised Report reflected, item by item, the declared political agenda of these political extremists:

-excessive force /extra judicial killing/torture

-targetted killing of Black youth

-Buxton

-Government /Criminal collusion

The State Party, however, expected that it would have been given the opportunity to have a fair hearing on the issues raised and there would have been balanced reporting in response to these allegations. Regrettably, this expectation was not met. The unbalanced and unfair manner of reporting the State Party's views, whether deliberately intended to or not, has put the government and the country in a very unfavourable light.

The revised draft report has not in any way responded nor addressed those allegations many of which form the basis for the fundamental observations and conclusions of the Independent Expert's report.

Protection of Cultural Identity(including Language, Culture and Religion)

The State Party finds this is a most confusing segment since international literature is readily available about the more frequent practices used to deny, frustrate cultural identity and expression of minorities. None of which can be found in the Guyanese context.

The State Party observes that the Independent Expert treats with the most inconsequential and ambiguous allegations marred with inaccuracies as truths.

The State Party notes with some irony that the religious and ethnic groups that the Independent Expert met were of the view that they were free to practice, promote and enjoy aspects of their cultural identity and religion. See paragraphs # 71 and #74 in the revised draft.

However, this testimony to Guyana's openness as a culturally diverse society appears to offer no contradiction to the earlier observations and conclusions of discrimination and criminalization of one ethnic group that Expert draws in the revised report.

Non Discrimination and Equality

This is a very complex area that was inadequately addressed by the Independent Expert. The State Party advised that the Draft Report was reckless with uncritical recording of allegations, and, inaccuracies. The revised version has omitted the State Party's submissions in response to many of these.

The State Party prides itself as the only Commonwealth Caribbean country to have reformed the constitution to domestically incorporate 6 of the 7 core international human rights treaties to which it is a State Party.

This can be found in Article 154A of the Guyana Constitution. The combined effect of this results in the indirect legislative implementation of the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in no less than the constitution, the supreme law of the land.

This achievement seems to have eluded the Expert.

The State Party, has, as in all sections of the Draft and revised draft Reports, submitted responses to specific statements which can be found in the attached.

The issues of appointment and ethnicity of post holders have been exhaustively reviewed and communicated on. The State Party finds that the few lines to reflect this issue are profoundly inadequate.

The State Party has reported to OAS Inter-American Commission on Human Rights, OAS MESICIC Convention against Corruption, the UN CERD, the UN CEDAW, the UN CAT on many of these matters and they are readily available.

The Expert has uncritically provided pure allegations with some legitimacy by the fact that they are mentioned repeatedly and form the basis for her conclusion in the Summary and Recommendations in the Draft and revised Reports.

The height of ridiculousness was revealed in the conclusions drawn about discrimination in her report resulting from visits to a selected sample of communities in Georgetown and its environs.

The State Party provided evidence from an independent source to illustrate that in the region of South America and the Caribbean that Guyana is considered a country of moderate poverty, that its poverty levels on a regional/geographic basis actually reveal that the poorest population are Amerindians and not Afro-Guyanese, and further that Guyana is one of the countries in the region with one of the lowest ratios of inequality. These facts were also ignored.

The inclusion of media concerns is questionable since it is difficult to ascertain their definition as a minority. However, responses were given which were not considered in the revised draft.

A case in point is Guyana's response which advised that it had answered to the Special Rapporteur on the Freedom of Expression, yet this issue was repeated in the revised draft report.

Political Participation of Minorities

The State Party is of the view that the Independent Expert needs to review her understanding of proportional representation (PR) in plural societies in light of her conclusion about PR in Guyana.

In fact, the Expert's preoccupation with the political power aspect of the minority issue is revealed in her report which is consistent with the views peddled by the PNCR, one of the opposition parties and the extremist anti-Government cabal, that ethnic plurality will prevent the opposition (minority) from ever regaining power.

The State Party posits that on the basis of the PNCR record in government and its leadership of the post-elections violence in 1992, 1997, and 2001 and its linkages with the criminal violence of the 2002-2008 period that regaining power will be no answer to the legitimate concerns of the Afro-Guyanese. The test of any and all political parties will be based on leadership, policies, programmes, and involvement of people at all levels and all ethnic groups.

The State Party observes that the Independent Expert's unqualified baptism of shared governance in the absence of evidence to support its applicability in Guyana is reflective of the uncritical approach to this country by the Independent Expert.

The State Party re-affirms that there is no institutionalized discrimination of any ethnic group or targeting of any one ethnic group or community in Guyana.

Furthermore, the State Party recognizes that the challenges it faces as an emerging democracy and a developing country, despite conscious, consistent and constant pro-poor policies and programmes, are those relating to the availability and distribution of the limited and scarce resources. These prevent it from radically reducing poverty, expanding the economic bases and responding more effectively to perceptions in the society at large.

Conclusion

The State Party can only surmise from the general thrust and content of the report that the Independent Expert approached her Mission with a pre-conceived and biased notion of discrimination perpetrated against Afro-Guyanese by the government.

The Expert's reluctance to address the situation of the Amerindian population appears to have deprived both the Amerindian people, as a minority, and the government, of the policies and achievements which both have worked for, of any recognition. Moreso, this omission strengthens the conclusion that the Mission was pre-conceived with a very different agenda.

The State Party remains unconvinced of the arguments of the independent Expert as baseless, flawed and fundamentally contradictory.

However, were the State Party to concede to the view of the Independent Expert that the Afro-Guyanese consist a minority, utilizing the generally agreed working definition of “minority” as expressed in document E/CN/Sub.2/1993/34 by Asbjørn Eide, thus

“... a minority is any group of persons resident within a sovereign State which constitutes less than half of the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguishes them from the rest of the population”,

then all the ethnic groups(Indo-Guyanese, Afro-Guyanese, Amerindians, Chinese and Portuguese) in Guyana are minorities and therefore all their concerns should have been of interest to the Independent Expert in her Mission to Guyana.

The State Party wants an explanation as to why these other ethnic groups were excluded from the consultative process for inclusion in this Draft Report.

The State Party invites the Expert to explain why her Mission exclusively focused on one ethnic group when all the ethnic groups in Guyana are minorities as defined above by the Working Group on Minorities in August 10, 1993.

The State Party therefore cannot support the observations in the Draft and the revised draft Reports.

The State Party also contributed its views on the Recommendations, many of which are being implemented but these were not given appropriate recognition.

The State Party had indicated to the Office of the Independent Expert in February 2009 that it was requesting the opportunity to appear before the Human Rights Committee to respond officially with a delegation from Guyana when this Report would be presented.

The State Party was prepared to attend the March 10th presentation by the Independent Expert to the Human Rights Council but learnt that she was seriously ill. On March 10th, the State Party was advised that this was rescheduled for March 13th but with no time and an indication that the date may shift to March 16th.

Due to these uncertainties, the State Party finds it difficult to ensure that it is represented and therefore seeks that its official and written submissions be distributed as a government document to the UNHRC.

The State Party also draws to the Human Rights Council’s attention that many poor developing countries cannot afford to have Missions in Geneva, and, therefore some appreciation and sensitivity must be exercised to those countries to allow them to have adequate time to invoke their right to be present officially to make their submissions in cases such as this.

March 9, 2009

Annexe II

Summary

Guyana Response to the First paragraph of the Summary:

The Summary omits reference to the objective of the visit. The mandate for the visit referred to minorities. The Independent Expert on Minorities does not address what was the understanding based on correspondence from the UN Office of the High Commissioner on Human Rights to the Permanent Mission of Guyana and vice versa commencing with that of May 2, 2007, and including June 4, 2008 prior to the visit.

Guyana has made it clear in its reports to the UN CERD that it has no policy on minorities. From the ethno-demographic profile of Guyana, neither Afro- Guyanese comprising approximately 30.2 % nor Indo-Guyanese 43.5% of the population are considered minorities.

There was no prior understanding that the Independent Expert's remit would address only one ethnic group, Afro-Guyanese as a minority, nor that she would focus exclusively on the concerns of Afro-Guyanese. The State Party on several occasions tried to solicit what would be the focus of the Expert's visit in order to ensure that she would have access to the broadest cross-section of all the interested parties in preparing for her programme.

However, these efforts did not succeed, and it is only on the eve of the Independent Expert's arrival did the State Party understand that her programme was being organized exclusively by the UN Headquarters with some support from the UN Country team.

During the meeting with the Head of State President Bharat Jagdeo, he offered to facilitate her visit into the interior to meet with persons in the Amerindian areas who she may not have been able to meet due to the long distances and the costs entailed for them to travel to meet her.

It would be an obvious assumption on the part of the State Party that the visit would be based on the 1992 UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, hence her visit would concern itself with minorities such as Amerindians, Portuguese, Chinese as well as cultural and religious minorities such as Muslims, Bahai's and Rastafarians.

The State Party also advises that it is aware that a Guyanese anti-government lobby group in the USA were planning for her visit to Guyana and their objective was to embarrass the government and the country. They agreed and planned to exclusively focus on race and on Afro-Guyanese.

Guyana Response to the Second paragraph of the Summary:

The State Party observes that the independent Expert appears to ignore the context and the *raison d'être* for the Special Rapporteur's visit in 2003. Guyana had gone through two very violent pre- and post-elections periods from 1997 to 2003. Riots, thuggery, rape, fires and mob violence against innocent civilians were commonplace in these 6 years; all of which have been recorded and documented by the media and international observers. The body politic was quite different then in comparison to today.

In contrast the 2002-2008 period was fraught with criminal violence. Noteworthy is the fact that the 2006 elections were documented by all international and local observers as the most peaceful in decades and all the state and non-state actors were acknowledged for their contribution to its success. The return to normalcy in the post 2006 elections was dramatic for Guyana's developmental path.

Please refer to the Guyana Elections Commission (GECOM) website at <http://www.gecom.org.gy/index.html>. It may be also useful to refer to the individual international observer mission reports, such as those published by the OAS and the American Observer Missions.

The State Party desires to know on what basis has the Expert come to such a sweeping conclusion that Afro- Guyanese and communities feel "excluded, discriminated against and criminalized"? There is nothing in the report other than generalities to enlighten the State Party.

The State Party has the distinct impression from this report that Independent Expert did not meet the Ethnic Relations Commission, one of the constitutional HR Commissions, established through a consensual parliamentary process.

The State Party notes the absence of any reference to their numerous special and annual reports to the National Assembly from its establishment in 2003 to date. The Expert may be interested to know that such reports can solicit a motion for negative resolution by the opposition. The Opposition has not tabled one motion for negative resolution on any of these reports. These records are public records of Guyana.

The State Party also draws to the attention of the Expert that the Ethnic Relations Commission, through support from the UNDP Social Cohesion Programme, held numerous peace meetings as well as a series of cross-country Multi-Stakeholder Forums over a 6 week period prior to the 2006 elections, which did not find such views as expressed in this document. Furthermore, the ERC held a special series of public consultations on the perceived needs of the Afro-Guyanese community between November 13-16, 2007 and whilst the contributors pointed to a number of weaknesses and criticisms, the conclusions do not reflect the Expert's findings.

The State Party notes that the list of official ERC reports which it brought to the Independent Expert's attention are included as a footnote in the revised draft. These reports are tabled in the national Assembly as stated before and are publicly available.

<http://www.ethnicrelations.org.gy>;

[/http://www.ethnicrelations.org.gy/publications.php](http://www.ethnicrelations.org.gy/publications.php);

[/http://www.ethnicrelations.org.gy/publications.php#reports](http://www.ethnicrelations.org.gy/publications.php#reports)

[/http://www.ethnicrelations.org.gy/pressr.php](http://www.ethnicrelations.org.gy/pressr.php)

The ERC at present is comprised of 7 representatives who were nominated from civil society organizations by a parliamentary consensual mechanism agreed to by the political parties in 2003. These seven individuals emanate from the three largest religious bodies (Christian, Hindu and Muslim), the labour movement, the business community, women and youth. Whilst they are

not selected by civil society based on ethnicity, at present there are three Afro-Guyanese, one person of mixed race, one Portuguese and one Indo-Guyanese. Furthermore, not one of these persons have any affiliation to the PPP/C government nor the PPP, whilst two have public affiliations to the PNCR-IG Opposition party.

The State Party notes that the Independent Expert does not advance any evidence in relation to the criminalization of Afro-Guyanese.

The State Party notes that the Independent Expert does not address any other grouping except Afro-Guyanese, and therefore questions the IE's motive for the visit and the objective for ignoring concerns of other ethnic, cultural, linguistic and religious minority groups.

Guyana response to the Third paragraph of the Summary:

The Independent Expert makes sweeping statements about failed political processes but fails in this report to substantiate this conclusion.

The State Party finds this assertion unacceptable and demands that it be removed from the report.

Although the Independent Expert does not elaborate on specifically what were the exceptionally violent incidents in 2008, the State Party for clarity will elaborate on what it assumes the Expert was referring to.

The violence of 2008 referred to horrific criminal violence where of 23 people, including 5 children sleeping in their beds in the ethnically mixed communities of Lusignan and Bartica, were mercilessly and brutally massacred by criminal gangs for absolutely no reason and no provocation.

The documented street politically-orchestrated violence of 1992, 1997, 2001, (electoral violence) and 2002-2008 (violent crime) are all ignored and so too are their victims. Nor does the Expert appear to accept the commonly held view, based on its absence in the report, that the violence of 2002-2008 was politically motivated and the proof of it was already emerging in the public eye by the time of her visit.

The State Party does not accept the view that there are two separate and conflicting perceptions of reality. Both the periods of electoral and post electoral violence and the criminal violence terrified people of all ethnic, class, religious and political persuasion. The overwhelming broad-based cry for the government to stop the violence, especially after the Lusignan and Bartica massacres, lead to the birth of the National Stakeholders Forum in February 2008 lead by the President himself. This initiative and the role it has played is referred to later in the report by the State Party.

The State Party also opposed to this attempt to describe Guyana as ethnically polarized and states that this flies in the face of observable and documented occasions such as Guyana's hosting of the ICC WI World Cup Cricket in 2007 and the Caribbean festival of Arts in 2008.

The Independent Expert seems to be uninterested in the fact that Guyana emerged from a 28 year dictatorship by the PNC which also carried out institutionalized discrimination on ethnicity and political affiliation. It discriminated against all other races, but especially Indo-Guyanese, and all

supporters regardless of ethnicity of the then opposition parties, the Peoples Progressive Party, The United Force and the Working People's Alliance.

The PNC dictatorship carried out a blatant discriminatory policy in favour of their card-bearing members, most of whom but not all were Afro-Guyanese. Therefore, **Afro-Guyanese who were not card bearing members or worse yet members of an opposition party were viciously penalized.** For instance, Afro-Guyanese who were members of other political parties could not obtain jobs in the public sector, etc..

The policy of "paramountcy of the party" in that government has also been documented.

From the first free and fair elections on 1992, the Guyana government has been striving, despite politically motivated violence, to build trust and confidence. One of the approaches has been to create various bi-lateral fora for dialogue between the two major parties which has been a hallmark of the political environment since 1998 to the present at different levels.

The Expert needs to be reminded that the PPP/C government, after the opposition PNC-led street violence of 1997-1999, signed the Herdsmarsten Accord (1998) and CARICOM St. Lucia Accord (1999), and gave up two years of government in order to restore peace and normalcy and return the opposition to the discussion table and Parliament.

Guyana Response to the Fourth Paragraph of the Summary:

The State Party notes that no evidence is given in the document as to the claims of "economic and social stagnation".

The Expert and the UNHRC may wish to refer to the World Bank 2008 Guyana Poverty Assessment-Accelerating Poverty Reduction, Guyana's Poverty Reduction Strategy Programme, Guyana's status in 2007 in relation to the achievement of the Millennium Development Goals, the recent joint staff assessment of the international financial agencies and the Millennium Challenge Corporation Threshold Account 2008 latest performance indicators.

Noteworthy for its absence is any credence given to the constitutional, legislative and parliamentary reform that has catapulted Guyana as the most advanced and progressive in the Commonwealth Caribbean.

Guyana Response to the Fifth, Seventh, Eighth and Ninth Paragraphs of the Summary:

The State Party condemns this sweeping paragraph which refers to exclusion, discrimination and domination of politics and other sectors of life which is not substantiated in the body of the report of the Independent Expert.

The State Party will respond in those sections of the report accordingly but indicates that it does not accept the conclusions set out in this summary.

The State Party has documented our objections to this report in a separate memorandum entitled "General Comments" despatched with our specific comments herein on this revised draft report.

The Independent Expert ignores that Guyana from 1992 has held democratically recognised and accredited elections by international observer missions, which have resulted in ethnic, gender, geographic and political representation in the ten regional administrations, the 65 Neighbourhood Councils, the 6 Municipal Councils. The 100 Amerindian Councils and the National Tshaos Council are elected under the new Amerindian Act and have been democratically run.

The Independent Expert also ignores the Constitutional Reform process that was lead by a bi-partisan approach (1999-2003) and which massively revised the Guyana Constitution wherein inclusive governance and participation of civil society in the decision-making processes in the life of the country is enshrined and practiced, It is of no small significance that the Leader of the Parliamentary Opposition basically has a veto on the President appointing various constitutional post holders.

The State Party questions the Independent Expert's conclusions and wonders if the Expert is inferring that will of the majority at elections is not acceptable?

Based on the ethnic statistics of Guyana and the fact that we are governed by a proportional representation system which requires that the government must win more than 50% of the votes at an election, the PPP could not win government if all the Indo Guyanese population (43%) voted for it. In fact, the PPP/C has won government at free and fair elections in 1992, 1997, 2001 and 2006 ranging with majorities from 51.5% to 54.7% at the 2006 elections. All of these elections have been observed and documented by accredited the international observer missions.

In fact, neither the PPP nor the PNC could win government (51% as required by the constitution and proportional representation) based purely on the ethnic vote.

It may wise for the Expert to note that the arrival of the Alliance For Change (AFC) on the political scene just before the 2006 elections did not take away votes from the PPP but from the PNC, in traditional Afro-Guyanese PNC strongholds.

The State Party uses these facts as illustrations that the ethno-political profile that the Expert has presented is not supported by facts and that none of these issues are entrenched or institutionalised as is asserted.

The State Party questions the basis for the statement that "a bitter and destructive political environment has infected wider society and is failing the people of Guyana" as nothing in the draft revised report enlightens the State Party or any other reader as to this damaging conclusion.

The State Party is interested in the assumptions that there is an absence of consultation or compromise. Does the Expert call for truth and reconciliation going back to the period of 1964-1992???? The State Party finds this a very general and ambiguous statement.

The State Party reaffirms based on the nature and focus of this report that Afro-Guyanese, as any other ethnic group, at present, have a constitutional recourse to the Ethnic Relations Commission and to a court of law.

The State Party observes that the Independent Expert seems to be unaware or uninterested in the constitutional and parliamentary provisions agreed to by all the parliamentary political parties in

the 1999-2003 period which requires a two-thirds majority to bring the HR commissions into readiness for appointment. The constitutionally-provided Parliamentary Standing Committee of Appointments of Members to Commission failed to receive the two-thirds majority in 2005 (8th Parliament) to establish the Women and Gender Equality Commission and the Ethnic Relations Commission in 2007 in the 9th Parliament due the PNCR withdrawing their vote despite having reached unanimity in the Committee.

The State Party is satisfied that its policy on involvement and participation and facilitation of multiple and numerous layers of consultation, involvement and participation at all layers of society on policy, expenditure, use of resources, which has been created and evolved to new levels over the last sixteen years is in keeping with Article 13 of the constitution. As an emerging democratic nation, time and opportunities will provide more and exciting innovations in the Guyanese reality.

The State Party is satisfied that the constitutional and legislative process, commenced in 1996 and on-going since 1999 provides the framework for inclusive governance and constructive dialogue.

Guyana Response to Sixth paragraph of the Summary:

The State Party states that Guyana is a poor developing country. In 1992 it was one of the poorest in this hemisphere and it has since moved from a poor low income country to a low middle income country. Resources- human, physical and financial- have been limited. Guyana's debt in 1992 was over \$2 Billion USD, and it had one of the highest per capita debt ratios in the developing world. The debt has been reduced to less than \$ 1 Billion USD including new loans etc. The Government has advocated and practiced a pro-people pro-poor policy and instituted programmes to reflect this policy in health, education, water, housing, social safety nets, etc...

The State Party asserts that Guyana's challenges relate to it still being a poor country with 36% of its people being poor and the availability of scarce resources. The more recent challenges of a global financial crisis will have an impact on its developmental path and availability of resources. These are the factors that address the issue of allocation of scarce resources rather than any form of institutional racism or perceptions of any deliberate discrimination as Expert implies.

The State Party refers to The World Bank 2008 Report which, states, pg 3:

"According to the 2006 Household Budget Survey, 36.1% of Guyanese live in poverty (about 274,000). Population in extreme poverty ...comprised 18.6 % (140,000)....we can infer that the level of poverty is moderate.Guyana's poverty levels lies well below that of other HIPIC countries ...Bolivia (62% 2005)...Honduras (60% 2007) ...Peru (44% in 2006). Inequality is also lower in Guyana compared to other Latin American and Caribbean countries." See page 19, "Guyana is the seventh least unequal country of the region out of a sample of 22 countries ...Guyana ..0.50 (2006), Jamaica (0.60), Haiti (0.59) and Brazil (0.56)".

The same study points out that the highest levels of poverty exist in the rural interior, estimated to be 74% which mainly affects the Amerindian populations living in those more isolated areas.

In contrast, it found that Region 4, which includes the capital Georgetown, representing more than one quarter of the population, poverty rate was 24.6%.; This region is ethnically diverse but where 50% are Afro Guyanese. Region 6, where the population is majority Indo-Guyanese, the poverty rate was higher at 28.5%. In Region 10, which includes the bauxite city of Linden, and where the population is majority Afro-Guyanese with a small Amerindian rural riverain population, the poverty rate was 39.4 %, slightly above the national average of 35 %.

The State Party affirms that unemployment is not specific to Afro-Guyanese but results from a combination of various factors, such as the state of the economy and investments, continued reliance on primary products for export, educational levels and cultural norms. The said WB survey shows that poverty rates were higher amongst Guyanese (25-65 years) with incomplete primary education (41.1%) versus those with complete secondary education (15.5%).

Labour force participation among the 15 to 64 year old population is only 60% which is low. One of the reasons contributing to this has been the low participation of women in the formal labour force, only 37% women versus 84% males. This has not been found to be specific to any ethnic group.

Single parenthood phenomenon is not within the exclusive domain of Afro-Guyanese and results from various sociological factors including male absenteeism and irresponsibility, migration, male chauvinism as in other societies. These variables also contribute to the high levels of domestic violence.

The State Party has taken a number of initiatives over the years to reduce violence against women and children. It consulted countrywide and passed the Domestic Violence Act in 1997. A new comprehensive policy document on “Stamp it out” on violence against women and children has also been taken throughout the country for examination and improvement.

The State Party has contributed financially to the Guyana Legal Aid Clinic to assist it in expanding the provision of legal services to the poor in 7 of the ten regions.

The State Party advises that the comment on “women’s participation in the political process” is at odds with the conclusion of the UN CEDAW report in document A/56/38, paragraph 158 of which reads:

“(t) the Committee commends the Government for achieving an impressive level of representation of women in the highest political offices of the country. The Committee welcomes the appointment of a woman of Amerindian descent to a Ministerial office, for the first time in the history of Guyana, ..”

The State Party, furthermore, advises that the constitutional provision of eligibility for any political party desirous of competing in elections being based on 1/3 female candidates on their lists. This is commented on further on in the report.

Annexe III

REPORT OF THE INDEPENDENT EXPERT ON MINORITY ISSUES

MISSION TO GUYANA

(28 July to 01 August 2008)

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Introduction

Guyana Response to Para # 3

The State Party categorically states that it is not guilty of any infringements of (a),(b), (c) and (d) outlined above.

The Independent Expert was advised that Guyana has no policy defining minorities but minority groups would be comprise of Amerindians (made up of 9 groupings are cultural, ethnic and linguistic minorities), other ethnic groups such as Portuguese, Chinese and a mixed population, and sub-groups, such as Rastafarians (cultural and religious), Bahai's, Muslims, and traditional spiritualists (religious).Guyana's report to the UNCERD 2006 and 2007 as well as various responses to UN and OAS IACHR questionnaires on the defamation of religion and treatment of minorities are believed to be publicly available.

The State Party registers its concern that the Expert did not stick to her own mandate nor did the Expert address those objectives she set in a fair and transparent manner.

Guyana Response to Para # 4:

The State Party asserts that Guyana is the only country in the western hemisphere where the indigenous peoples representing 9 % of the population legally and collectively own 14% of the land mass of a country.

The State Party had advised the Independent Expert on February 10, 2009 in response to the draft report that “One People, One Nation, One Destiny” is not a slogan it is the country’s motto adopted in 1966 at independence and enshrined in the constitution. The State Party asked for this sentence to be withdrawn due to its pejorative implications. This was not corrected in the revised report.

The State Party informed the Expert that a recent analysis of the data from the UN Population and Development Migration Database (collected from 1959 to 2006) showed that Guyana’s legal migration to the USA and Canada had seen an overall decline since 1992 but more marked in the 2004-2006 period in comparison to the 1980s. This was not included in the revised report.

Guyana Response to Para # 7

The State Party finds the statements in this paragraph, more particularly the final sentence, contradictory in relation to the statement at paragraph # 3 herein and requires an explanation by the Independent Expert.

The State Party declares again that there was no indication that the IE was coming to address issues of Indo and Afro Guyanese. The State Party again asserts that neither can reasonably be considered to be minorities. Furthermore, the State Party cannot reconcile this stated objective of the visit with the Expert’s mandate which is under the rubric of the 1992 Declaration on National, Ethnic, Religious and Linguistic Minorities.

The State Party declares its objection to the Expert’s contradictory approach, firstly in stating that her objectives were as outlined in para. 3 above and then deviating completely to pass the concerns of indigenous peoples or any other ethnic, cultural, religious or linguistic group to the Special Rapporteur on human rights and fundamental freedoms of Indigenous peoples.

The State Party questions whether this change of objectives is in keeping with the Independent Expert’s declared mandate of promoting the implementation of the 1992 Declaration.

The State Party has noted that the Expert miniaturises the issue of Amerindians and shunts them to the Special Rapporteur while ignoring the fact that 14% of Guyana’s land is owned by title by the indigenous peoples, **no other country in this hemisphere has achieved this.**

The State Party further asks for an explanation from the Expert for this change in mandate and questions why other concerns raised in her consultations in relation to allegations of torture, Joint Services’ abuse of power and the judiciary, freedom of the press, etc were not omitted and left to the Special Rapporteurs on Justice and Torture, Freedom of the Press and the UNCAT etc..

Guyana Response to Para # 8:

The State Party notes the methodology outlined and furthermore observes the frugal and parsimonious treatment of the government's responses at the end of each section. One of the reasons which may have contributed to such limited responses relate to the fact that most of these issues were not raised with the Government officials. There is little or no indication of the government's verbal, written responses to the views she has collected.

I. HISTORICAL CONTEXT**Guyana Response to Para # 9::**

The State Party notes the sources of the information and challenges that any such documents of ethnic divisions and rivalries could have been found on the Government websites or the PPP's official website.

Guyana Response to Para # 10::

The State Party finds it of interest that the Independent Expert on minorities showed no interest in the Amerindian population throughout the report. The most glaring omission in this section relates to what the Dutch, French and British colonizers did to the indigenous peoples between 1500-1966 and what legacy it left.

The State Party reiterates its written submission that labour migration post slavery comprised of peasant and working class Irish, Scots who came as free labourers; and the rest as indentured labourers from 1835-1917 comprising of 30,000 Portuguese commencing 1835; Indians from 1838 300,000, Africans from Sierra Leone, other west African countries under British control and captured in slave ships 30,000 from 1840-65; Chinese from 1853 approx 30,000.

In a matter of 82 years (1835-1917) the demographics changed dramatically both ethnically and geographically (despite high death rates of the entire population but more so among the newly arrived indentured labourers) with an influx of almost 400,000 people.

The State Party reiterates its written submission that the first recorded ethnic conflicts and violence between the freed Africans were with the Portuguese. There are no historical records of incidents, riots, demonstrations, etc between Africans and Indians in this era.

Guyana Response to Para # 11:

The State Party notes that while these statements are part of the common parlance, statistics of that era illustrate that the African population in the majority remained in the rural areas, especially the new Africans. In fact there were then and still are a significant Afro-Guyanese population who work on the sugar estates. The State Party suggests that reference to the writings of well known and respected Guyanese intellectuals, Senior Counsel and trade unionist Ashton Chase and historian Dr. Walter Rodney on the working class in the early 1900s may be of help to debunk some of these myths and falsehoods.

The State Party notes the removal of an offensive sentence reference the Indian population. However, for the purposes of this submission, the State Party has retained the following section which it had submitted to the Independent Expert in response to the January draft.

There were two Commissions on Enquiries established by the British colonial government in the 1930s and 1948 which showed that the indentured labourers on the estates lived “no better than cattle” and suffered from the highest level of infant and maternal mortality, were illiterate and had no access to basic needs.

Up to the 1950s, the majority of the Indian population lived in logies (mudhouses) on the sugar estates or as tenant farmers in fief-like servitude on large landowners’ estates.

In the colonial era, no one of colour including Portuguese, Chinese and mixed persons could enter certain places, it was strictly for whites, similar to southern USA in the 1960s. These were allowed in the 1940s to enter into the lowest levels of the public service. Most gravitated to being peddlers and small shop owners. In this period, Indians could not enter the public or teaching services unless they became Christian.

The emergence of an indigenous middle class came from the “high coloured”/mixed population and the Portuguese and Chinese. The emergence of a very small indo- Guyanese middle class came through education as lawyers not as business people by the late 1930s.

Former Premier and President Burnham’s whole thrust after independence was to create a black middle class in the professional and administrative fields mainly through the public service not in business and industry. Under his regime, the state controlled 80% of the economy so there was no space for the emergence of a black mercantile middle class. This misdirected thrust continued with his predecessor the late President Hoyte.

This call to a Marcus Garvey approach by the then administration did not succeed although the times were not hostile in the 1964-1992 period. Furthermore the Independent Expert omits that the PNC administration ran this country through rigged elections, etc., for a period of 28 years.

The State Party advises the Independent Expert that ironically it is under the PPP government (prescribed by the IMF et al in its economic programmes) that the middle class has grown in the business field due to the privatization of the majority of the economy and greater opportunities to obtain land, etc .In this period a new and emerging business class has emerged consistently of formerly disenfranchised Indo-Guyanese and Afro –Guyanese.

The WB 2008 report may help in offering an explanation to some observations made by the Expert on Pg 5,

“Afro-Guyanese are mostly employed in services (68%) and Indo-Guyanese are mainly employed in both services (46%) and agriculture (34%) ..”

The State Party points out that obstacles to growth include easy access to capital through the commercial banking system, especially for youth and women who may not have collateral.

The State Party advises that Linden, formerly the town of Mackenzie, began to emerge in 1929 around the extraction of bauxite by ALCAN. It did not begin as an Afro-Guyanese town. In fact

Linden had a sizeable Indo-Guyanese population until the violence of the 1960s when thousands fled the town as refugees and resettled in squatting areas along the coastal regions.

Guyana Response to Para # 12:

The State Party is interested in the definition of “primitive capital” as the descendants of indentured labour by the end of indentureship owned nothing. All of this happened differently.

This is all so general and part of vernacular and inaccurate renditions of our history. The 1950s saw a racially divided society between white and black (ie all non-whites). The strikes in the sugar and bauxite industries in the 1950s and again later on in the 1970s and 1980s showed visual displays of unity across ethnic, cultural and political lines. The fault lines in the 1960s were created, cultivated and financed by the British and American governments and the CIA and the AIFLD. This is documented in records of the US Library of Congress and the British Archives.

Guyana Response to Para # 13:

The State Party reiterates its written submission that the paragraph is inaccurate. Forbes Burnham returned to Guyana from the UK as a lawyer and a former member of the British socialist movement. He joined Dr. Cheddi Jagan not on racial lines as he did not have any constituency then but on common ideological positions and to end colonial rule. The PPP was never formed as a party based on race nor has it ever stood for any ethnic group; it was, is and will always be a national party for all people.

The British did not permit universal suffrage; they were forced to grant it by a vigilant and massive movement of thousands and thousands of Guyanese of all races; they marched, demonstrated, petitioned etc and made the British capitulate to the demand for universal suffrage. The fact that the anti-colonial movement in all the colonies was growing stronger and more militant no doubt was a factor.

They, however, did not expect the PPP to win, hence the British resort after the 1953 elections to “gun boat” politics and within 133 days after its electoral victory the PPP multi-ethnic government was ousted and an interim government appointed by the British made of the new emerging middle class (lawyers, businessmen of various ethnic groups). The PPP won again in 1957, 1961 and 1964. This has been documented publicly and internationally.

The Library of Congress documents now being declassified showed their plan in creating the division in the PPP in 1955 between Burnham and Jagan. The public and personal apology of US Former Secretary of State, Arthur Schlesinger in 1992 to Dr. Cheddi Jagan for their interference in Guyanese politics, etc. in the 1960s is instructive.

The State Party reminds the Independent Expert that Guyana, then British Guiana, was one of the first colonies, led by Dr. Cheddi Jagan to appear before the Fourth Committee of the UN on December 18, 1961 calling for its independence. The USA and UK delegates at the UN attempted to prevent him from addressing the Fourth Committee but failed.

Guyana response to Para # 14

The State Party asks the Independent Expert to note that despite the US and British gerrymandering of the electoral boundaries and introducing proportional representation and the horrific violence of the 1960s, the PPP won the majority of the seats in the 1964 elections.

The Governor and the British government first encouraged the PNC and The United Force to form a coalition government in order to prevent the PPP from taking office and then by decree of Her Majesty the Queen made it a reality.

Guyana Response to Para #15:

The State Party states that the above synthesis of this era is fraught with historical inaccuracies. One of the early documentations of this era was written by Dr. Cheddi Jagan called “The West on Trial” and is still accepted as accurate account by historians.

The State Party affirms that the PPP accusations of CIA activities are not claims these have been substantiated and are available in public records such as the US Library of Congress. The existence of the X 13 Plan lead by members in the leadership of the PNC and the GTUC in the 1960s with the objective to bomb, attack and destabilize the PPP Government was not a fiction of the PPP’s imagination and its leadership. The Plan existed, it was executed and a copy is available.

It is a result of this violence that thousands of people were forced to abandon their homes, possessions and migrated internally leaving what were ethnically mixed villages and migrated to those with the majority of their own racial group. This period is a tragic period in Guyana’s history but despite this the country has moved on.

In 1964, despite PPP claims of electoral fraud, the PNC under Forbes Burnham joined forces with the Portuguese led United Front to form a coalition government. Guyana achieved independence on May 26, [1966](#), and became the Co-operative Republic of Guyana on February 23, [1970](#). The PPP alleged vote rigging in subsequent elections which resulted in the PNC holding power until 1992.

Guyana Response to Para # 16:

The State Party states that it was not mere PPP claims/allegations of vote rigging. Electoral fraud by the PNC between 1968- 1985 has been confirmed by international and local witnesses over and over again. Including cases taken to the courts which never say the light of day.

The 3 Granada TV series on the rigged elections of 1968 and 1973, the first international observer’s report by the British Lord Avesbury in the 1980 elections representing the British Parliamentary Association; the international observer mission in the 1985 elections, and the role of the Commonwealth Parliamentary Association, the Canadian, British and US governments, CARICOM, OAS, former President Carter and the Carter Center, the US National Democratic Institute before 1992 are facts and fully documented.

The State Party finds it of interest that there is not one reference in the draft report to the violations of human rights in the 28 years, beatings, bombings, torture, disappearances,

assassinations. The bombing of the PPP Headquarters killed Michael Forde, an Afro-Guyanese youth leader in the PPP, and the injured many others. The assassination of Dr. Walter Rodney, an internationally recognized historian and Afro-Guyanese in June 1980, is ignored. The tear gassing of striking bauxite workers, all Afro-Guyanese, in their jail cells in Linden in 1973 is also ignored. The killing of a number of WPA activists, all Afro-Guyanese is also ignored.

The House of Israel, the para-military arm of the PNC, wrecked havoc with their thuggery at demonstrations and meetings of the then opposition parties. The killing of a white Catholic priest, a photo-journalist, Father Darke is another case.

The emergence of a special death squad from 1978- 91 which terrorized any and all who they felt were supporters of the opposition including civil society leaders. The State Party asserts that these are all facts and fully documented.

The State Party asserts that the growing mass broad-based movement for free and fair elections and the restoration of democracy, coupled with massively rigged 1985 election under Hoyte, catapulted all democratic loving people regardless of race to become more vocal and united for change.

The national debt of the country and state of economic ruin with 67% of the population living below the poverty line took place was under Hoyte's regime, the State Party wonders who was informing the Expert.

Furthermore the mass outpouring of all classes, all races and the then opposition parties with labour, business and religious leaders combined with international pressure pressured Hoyte to agree to the counting of the polls at the place of poll and other reforms.

The State Party is prepared to submit all the international observer missions reports to Guyana's elections for the 1992, 1997, 2001 and 2006 elections. All are available in the archives of the OAS, CARICOM, CARTER CENTRE, Commonwealth Parliamentary Association, and the UN. The Media Monitoring Unit (created by the international community) Reports of the 2001 and 2006 elections would also very instructive.

The 1992, 1997, 2001 and 2006 national and regional elections were all monitored by international observer teams including the UN and there has been no case of vote rigging found. Several have pointed to the weaknesses in the electoral system in the 1992 and 1997 elections which have been addressed and reported on in the later elections.

The State Party finds that for the Independent Expert to include unsubstantiated accusations by the PNC of vote rigging in elections and to not include that all elections were confirmed as free and fair by the international observer mission is unacceptable.

II. POLITICAL PARTICIPATION OF MINORITIES

Guyana Response to Para # 18:

The State party has already addressed the issue of ethnic voting earlier in this document. Does the Expert condone the ethnicization of partisan politics or is the democratic will of the people regardless of race of no import in this report? The proportional system demands that no

government can be formed with less than 50% of the electoral vote unlike the first past the post system where a minority government of 35% can become the government as in the last UK elections.

Guyana response to Para # 19:

The number of female Members of Parliament number 20 out of 65. In world ranking Guyana is circa 30th of 170 legislatures.

It may be useful for the Independent Expert to refer to the CEDAW report on Guyana at its 24th Session (document A/56/38, para 158) which praised Guyana for achieving an impressive level of representation of women in the highest political offices of the land.

The first woman in the world to become deputy-Speaker of the Legislature was in Guyana in 1953. The second woman in this hemisphere to become President was in Guyana in 1997. The first female Chancellor and Chief Justice in the Caribbean was Justice Desiree Bernard in 1999 and 2002. The Director of Public Prosecutors is held by a woman. The Deputy Speaker is a woman; the Chief Whip for the Government side is a woman. There are 4 female Permanent Secretaries of a total of 15 Permanent Secretaries.

Guyana Response to Para #20:

The State Party finds the last sentence subjective and particularly offensive which the Independent Expert has repeated in the revised report despite the State Party's objection. This sentence should be removed from the report.

Guyana Response to Para # 22 and #23:

The State Party advised in its comments on the draft report that National Assembly gave the 2/3 majority in May 2008 to the list of entities to be consulted for nomination to the Rights of the Child and the Women and Gender Equality Commissions. These civil society bodies took from July 2008 to February 13 30 2009 to finalize the nominations to the Rights of the Child Commission. These nominations will be sent to the National Assembly for approval. There are still some outstanding civil society nominations for the Women and Gender Equality Commission. This information was not included.

Guyana Response to Para # 24:

The State Party advises that the Regional Democratic Councils are established through regional elections and are established in accordance with the constitution: they are an integral part of the central government. The annual Budget for each region is prepared by that region and then submitted to the Ministry of Finance and based on availability of funds they receive their allocations. These budgets are submitted to the National Assembly for approval and are like all other budgets subject to scrutiny by the Parliamentary Public Accounts Committee which is chaired by the main Opposition party. Could the Expert give one such case of discrimination in allocation of resources which was raised in her consultations?

III. NON-DISCRIMINATION AND EQUALITY

Guyana Response to Para #28:

The State Party emphasizes that the constitutional reform process of 1999 to 2003 engaged thousands of people in cross-country consultations lead by a multi-party parliamentary Constitutional Reform Commission.

Guyana prides itself on the process and the comprehensive nature of the constitutional reform as being the most distinct in the Caribbean region.

Of note is that the Human Rights section of the constitution is enshrined and any person can go to the courts on a constitutional motion on any perceived or real violation of their human rights.

The reforms gave form to an inclusive governance approach and gave the Opposition a veto over the executive in the appointment of certain constitutional posts. It requires the Leader of the Opposition and the President to consult on the Ombudsman.

The Human Rights Commissions are appointed by the President after a defined agreed –on bipartisan consensual mechanism in the National Assembly and where a constitutionally provided Parliamentary Standing Committee has achieved the required 2/3 majority of the National Assembly. This by its definition has posed difficulties in completing the process.

Guyana Response to Para # 31:

The ERC has investigated claims of discrimination but none have been substantiated. The Department of Labour also has the authority to investigate such claims and to take corrective actions. There have been no such cases reported in the last 5 years.

Guyana Response to Para # 34:

The State Party wishes to be enlightened as to the claims of widespread and institutionalized discrimination against Afro-Guyanese and Indigenous peoples.

The State Party finds the reason given for the level of criminality as unacceptable as criminality is not exclusive to one ethnic group. This is in itself a racist statement.

Furthermore, the level of domestic violence and substance abuse crosses race, class, religion, geography.

The statistics of poverty have been referred to earlier on in the State Party's response. The implication here is that people were not poor before and now they are. The World Bank 1991 Report, the World Bank Poverty Assessment 2008 and the PRSP 2008-2011 belie this assertion.

A. *Employment and economic activity*

Guyana Response to Para # 35:

The State Party states that on assuming office in 1992, the parlous state of the economy, high budget deficit and foreign debt, exclusion of the majority of the population from access to goods and services and lack of opportunities for employment in the public service due to the level of discrimination, gave the government very little options with the international financial institutions.

The reduction in the size of the public sector commenced in the 1985-91 period with the IMF-driven Economic Recovery Programme and the then government's Privatization programme. There was massive reduction in staff in various state entities and closures which reduced the public sector from 40,000 to 28,000. Overnight in that period, workers found themselves declared redundant.

Figures in the Economist are not upheld by similar data from that period. The IMF conditionality post-1992 required the sale of the state sector and the downsizing of the size of the public sector. The present government has been implementing a careful and slow process of privatization where many agencies had to be rebuild before they were in a state to be privatized. Furthermore, the post-1992 Privatization Programme over the last 16 years has downsized the control of the state over the economy from 80% to approximately 30%.

However, the semi-autonomous state agencies are not part of the public sector and their staffing has been increasing.

Concomitantly, the size of the private sector has grown in its share of the economy and employs the majority of the unionized and non-unionised labour force in Guyana.

The State Party recognizes that unemployment is still high, however, this is a result of factors relating to the expansion of the economy rather than a policy of discrimination and exclusion as claimed in this report.

The State Party states that the claim herein that the private sector pay levels are higher then the public sector is not supported by empirical data. This may be so at the level of the Boards or CEOs but it is not the case at the lower echelons. The State Party can substantiate this.

It may be useful to peruse the ERC 2007 study of hiring practices in Region 4, the largest populated region in the country with the centre of the state machinery, which was tabled in Parliament and solicited no comment. Please refer to the ERC website.

The State Party notes that the ethnic profile of the public service is still majority one ethnic group, the percentage has changed from 90% one ethnic group vis a vis 10% other ethnic groups to one that may be more a 70 (Afro-Guyanese):30 (other ethnic groups) mix. In the Disciplined Forces other ethnic groups have always been in a minority from the 1960s to 2009.

Guyana refers the IE to the 1961 International Commission on Jurists Report on the ethnic composition of the Guyana Police Force, the Disciplined Forces Commission 2004 Report, UN

Committee on Torture 2006 Observations and Recommendations to Guyana all of which speak to the ethnic imbalance in the Disciplined Forces in Guyana.

Guyana Response to Para # 36:

The State Party categorically states it has no such policy. The views of other non-PPP voices the Expert did not meet may have given a less racist view.

The privatization process has been publicly carried out with both local and foreign investors. The Public Accounts Committee of the Parliament and the Auditor General of the Audit Office of Guyana are responsible for fiduciary oversight of the state's expenditure.

The sugar industry is state owned. From the 1900s majority of its field staff are Indo-Guyanese, the factory staff is much more multi-ethnic; this industry provides 7-8% of the GDP and is the largest single employer. The bauxite industry was foreign owned from the 1920s until it was nationalized in 1970, then it went into major decline in 1988 due to the decline in the world prices of bauxite (Jamaica suffered the same fate) whereby 4000 workers lost their jobs by 1991. The towns of Linden and Kwakwani suffered tremendously as have all mono- industry towns in North America.

The PPP/C government subsidized the bauxite industry at \$10 M USD per annum from 1992 to 2006 and all the services such as water and electricity to the community were provided free. The community of 65,000 people, majority Afro-Guyanese, did not pay for these services unlike all other communities. In 2006 a foreign owned company, RUSAL one of the largest bauxite companies in the world, bought the company out as the world price improved. For the first time in 2007 bauxite made a profit and once again after almost 20 years contributed positively to the country's economy.

The State Party is offended by the quote in the last sentence; for the information of the Expert there were two foreign owned Banks (Barclays Bank and the Royal Bank of Canada) that were nationalized under the Burnham regime and two local banks (Gaibank and Guyana National Cooperative Bank). Due to their rundown state, high levels of mismanagement, two were closed circa 1998. The other two were privatized, one was bought by a local business consortium and one sold to the Republic Bank of Trinidad and Tobago, one of the largest banks in the Caribbean region. Since then two new privately owned local banks have been established and there are also two foreign banks (Scotia Bank and the Bank of Baroda) and the New Building Society, a local private bank, that targets the poor with low interest loans etc. None of these have any connection with the PPP or the PPP/C government.

Guyana response to Para# 37:

The State Party is interested in the reference to "African names"; very few Afro-Guyanese adopted African names and the majority have what is referred to as Christian or English names, making it difficult to determine one's ethnicity as there are Indo-Guyanese, Mixed persons, Portuguese, Chinese and Amerindian who use similar names.

The State Party's investment in education as well as in two major programmes fully financed for second chance opportunities for youth up to 29 years of age run by the Ministry of Culture,

Youth and Sport and the Ministry of Labour offer training and job placements for youth and youth at risk. Thousands have benefited from these programmes.

The World Bank 2008 referred to in the State Party's earlier responses may be of use to enlighten the Expert, specifically reference to pages 56-65 "Incentives and Obstacles to Labour Generation".

The access to micro-credit is limited as the banking sector is privately owned and is averse to risk taking. However, in the housing programme the government with one of the largest banks, the New Building Society, offers low interest loans to new household owners. There is no indication or reports of discrimination in relation to the disbursement of these loans.

Not one union or non-governmental organization nor individual has brought any case of such descriptions of discrimination to any of the avenues open to them, including the courts. The ERC study on hiring practices may be instructive.

The State Party has never heard nor would it condone such racist descriptions of any ethnic group.

Guyana Response to Para # 38:

The State Party reiterates that Guyana is a poor developing country which was ranked in 1992 as just above Haiti and below Bolivia. It was a low income country and it is now ranked as a low middle income country.

Unemployment still is a problem but not because of any racial policy but because of the level of development of the economy and the revenue generated from its main primary exports – sugar, rice, bauxite, gold and diamonds. As new investments develop, especially in the information-based industries, new jobs open for the citizens. The safety net programmes targeted at the poor and low income have been assessed by the World Bank and the IDB to be effective in reaching the majority of the poor and neediest. New skills training programme under the GOG/UNDP Enhanced Public Trust, Security and Inclusion programme and a proposed single parent programme will help to widen the reach of government's assistance to those most in need.

The social phenomenon of female headed households is not isolated to one ethnic group, one religion or a geographic area. As a result the Government's safety net programmes recognise this and attempt to assist these families.

The National Stakeholders Forum in November 2008 was dedicated to violence against women and children and the religious community recognizing the destructive impact of domestic violence and female headed households pledged to be more aggressive in working with the males in their congregations to be more responsible to their women and families and to offer help to victims of domestic violence.

Guyana Response to Para # 39 and # 40:

The State party advises that all of the above is incorrect. Its comments submitted to the draft have not been reflected in the revised version as with so many other sections.

The Parliamentary Standing Committee on Public Accounts Committee is chaired by the opposition and this body oversees government expenditure and the Audit Office of Guyana. The Audit Office of Guyana reports to the Speaker (not the Minister of Finance) and to the National Assembly.

The National Procurement Tender Administration is provided for in the Fiscal and Financial Administration Act and the Procurement Act. All tenders are advertised and the NPTA has a website where the minutes of their meetings and the awards are posted.

There are tenders boards established in every ministry, state agency, regional Democratic Council, Neighbourhood Democratic Council and Municipal Council. The State Party informs the Expert that Guyana was reviewed in the Second Round of the Inter-American Convention Against Corruption in June 2008 and its report on Guyana is posted on the OAS MESICIC website.

Guyana Response to Para # 41:

The State Party observes in this report that the Government as the PPP/Civic, the PPP and the Indian community appear to be treated as one amorphous and homogenous group. This is not the case and misrepresents the PPP/C administration and its policies.

The State Party would never make any statement as recorded in the first and final sentences of this paragraph, nor condone it. It therefore rejects these statements.

Guyana Response to Para # 43:

The State Party makes it very clear that there are no Afro-Guyanese unions, or unions for Afro-Guyanese and unions for Indo-Guyanese. There maybe unions comprised of majority Afro-Guyanese members or lead by Afro-Guyanese but not exclusively Afro-Guyanese, nor do they call themselves Afro-Guyanese unions.

The IE has been provided with grossly inaccurate information. The Federation of Independent Trade Unions of Guyana was created after the 1985 rigged elections in response to the control of the Guyana Trades Union Congress by the PNC administration. The FITUG then comprised of unions led by majority Afro-Guyanese trade unions leaders. In more recent times, FITUG was resuscitated by 4 unions representing the majority of workers (35,000) and majority Afro-Guyanese workers in the country, the majority of its leaders are Afro-Guyanese. The Guyana Public Service Union belongs to neither the GTUC nor the FITUG. The GTUC represents 14 unions but represent 15,000 workers and is lead by majority Afro-Guyanese trade union leaders.

Guyana Response to Para# 44:

The State Party finds the above replete with inaccuracies. The Critchlow Labour College is a registered private company. Its mandate was to train trade unionists and workers in industry. It was never established to meet the educational needs of Afro-Guyanese.

The decision of the Government related to corruption and misappropriation of funds from the CLC to finance individuals and staff from the GTUC and the PNC.

In 2008, the Principal of the CLC, Dr. R. Roopnarine (leader of an opposition party, the Working Peoples Alliance) stated that he had resigned because the place was being managed like a “cake shop” (a reference to a badly managed mom and pop shop).

The State Party has identified earlier a number of its youth skills training programmes which are aggressively utilised by all ethnic groups, most especially Afro-Guyanese. There are also a plethora of privately run NGO skills training programmes available.

Guyana Response to Para # 45:

The State Party already responded to this at # 51 in the draft report but it was repeated in the revised version.

Guyana Response to Para # 46:

The State Party states that this is a shameful misrepresentation of the Bauxite Pension Fund. Furthermore it is not the largest pool of capital owned by Afro-Guyanese. The lie in relation to the GUYSUCO pension fund further compounds this misrepresentation.

B. Land and Housing

Guyana Response to Para # 48:

The State Party states that the Independent Expert has been misinformed: the PNC brought a motion which was amended and passed in the National Assembly in July 2007. The State Party reiterates this submission as it was not properly represented in the revised report.

Ironically it was the PNC administration in the 1980s which introduced the new regional system and obscured the issue of these ancestral landowners. In fact all the communal lands which were reserved in these villages from the 1830s were taken over by the then administration and given to the regional administrations or sold to private individuals.

The State Party advises that no part of Georgetown is ethnically homogenous. Furthermore, the perception that Lusignan is an ethnically homogenous community is inaccurate. The victims of the Lusignan massacre were Indo-Guyanese, mixed ethnically and Amerindian.

Buxton in the 1960s was not an ethnically homogenous community. This village was neglected by the PNC administration from 1978- 92 as it was seen as an opposition village under the control of the Working People’s Alliance and this was a way of punishing the village. Between 1992-2002, public works were carried out in the village to improve the health and education facilities and services, water and roads. Between 2002-2008, the village was occupied by a violent and well armed criminal gang that held the residents to hostage.

C. Access to Justice (the numbering in this section is repeating earlier numbers)

Guyana Response to Para #49, pg 23:

The State Party reiterates its earlier correction that there is a four tier judicial system in Guyana.

Guyana Response to Para # 51, pg 23:

The State Party recognizes that chauvinist attitudes still exist, but the government, supported by sections of civil society, institute active campaigns to reduce domestic violence. The government financed in Year 2008 the Guyana Legal Aid Clinic in order to assist it in expanding services to seven (7) of the ten regions thereby offering legal services to the poor and needy. As stated before, domestic violence is not exclusive to any ethnic group.

The State Party refers the IE to Guyana's interim report to the UNCAT, October 2008, which responds to issues concerning domestic and sexual violence.

Guyana Response to Para # 52, pg 24:

The State Party reiterates its earlier submission with reference to the former Chief Magistrate who was removed by the Judicial Service Commission for disciplinary matters. The Chancellor of the Judiciary at the time was Justice Desiree Bernard who was the chairman of the Judicial Service Commission. Justice Bernard is now a Judge on the Caribbean Court of Justice.

The State Party wishes to remind the IE that the Judicial Service Commission is appointed through a consensual parliamentary mechanism with the President having one nominee after having had "meaningful consultation with the Leader of the Opposition". The constitution has defined the interpretation of that phrase.

Guyana Response to Para # 53, pg 24:

The State Party reiterates its earlier submission that there is nothing unusual about this legislation, the Director of Public Prosecutions or the equivalent as in many other jurisdictions have this recourse to available to them.

D. Media

Guyana response to Para #57 pg 25:

The State Party objected to the reference to the President's dual role. It remained in the revised report. The State Party reiterates that the constitution allows for the Head of State to be the Minister of all sectors and for any sector where a Minister is not designated.

Guyana Response to Para # 58: pg 25:

The State Party informs the Expert that it responded to the UN Special Rapporteur on the Freedom of Opinion and Expression in May 2008 on the issue of Mr. Sharma and CNS CH 6. It further responded to the Special Rapporteur and the IACHR on the Gordon Mosely and the Stabroek News cases referred to in the report..

Guyana Response to Para # 59 pg 26:

The State Party refers to the Inter-party Report on Broadcasting Dec 2001 which advocated no racial, ethnic or other culturally insensitive statements, programmes, materials etc as a media code and policy. Furthermore the Media Monitoring Unit 2006 Report may be instructive.

IV. PROTECTION AGAINST VIOLENCE

Guyana Response to Para # 61:

The State Party refers to the comment on a climate of fear. The Independent Expert does not enlighten the reader as to what may be the causes--the 2006 national elections were welcomed and declared as the most peaceful election in the history of Guyana by all the members of the international observer missions. Violent crime and violent gangs which terrorised the country from 2002-2008 were the cause of fear and terror.

The State Party asserts that communities are not segregated on ethnic lines. The old villages due to specific historical variables were as well as those which emerged including squatter settlements in the post-1960s violence (targeted mainly at the Indo-Guyanese). However, the new government housing programmes (commenced in 1994 and continuing to the present) are multi-ethnic and geographically diverse. Approximately 80,000 house lots have been distributed at very concessional prices in all 10 regions within the last 14 years. In regions where the population is majority one race the tendency is that the scheme will reflect that demography. For example, in Region 10 where the population is majority Afro-Guyanese the housing schemes in that region will reflect that bias; in Region 4, where the population is majority Afro-Guyanese but also with a sizable Indo-Guyanese with other ethnic groups, a more diverse demographics can be found. Region 6 which is majority Indian, the schemes will so reflect.

In Region 9, with a majority Amerindian population, the same pattern will be reflected. However, not one of the government housing schemes can be said to be made up of one ethnic group.

Regrettably the Independent Expert did not acquaint herself with visiting any of these new schemes scattered in all regions of the country.

Guyana Response to Para # 62:

The State Party rejects any impression given that there is/was collusion between Disciplined Forces of Guyana and the criminals to join forces to kill young black males. The State Party finds this reckless and irresponsible in a report of this nature and calls for its removal. This request made in the review of the draft was obviously denied in the revised version by its re-insertion.

The criminal violence of the 2002-2008 followed the Prison Break on Feb 23, 2002 and their escape into and occupation of terror in the village of Buxton. Most were not from that village. But they were given political encouragement and called "Freedom fighters" by the former President Hoyte and leaders of the PNC.

The State Party notes that the figure quoted from the GHRA report was for the period 1980 - 2001, 12 years of which was under the PNC administration and 9 years under the PPP/C administration.

The Police Complaints Authority annual reports belie the figure of 200-400 as stated above in the period 2002-2008. The highest number of complaints of abuse, etc., was made in the first year it was set up in 1989 with over 500 whilst in the last few years it has averaged around 300.

(Reference GHRA Annual Reports, The Police Complaints Authority annual reports and the Ministry of Home Affairs statistical data base; it may be of interest to the Expert to note that the PCA reports for 2002-2007 have been deposited with the UNCAT in 2006 and 2008)

The President through Parliament appointed a Special Commission of Enquiry into the Disciplined Forces in 2003-2004. This Commission met and held hearings and took evidence. Its Report tabled in the National Assembly in 2004 was put before a Parliamentary Special Select Committee in the 8th and now the 9th Parliament.

The British trained Tactical Squad was disbanded in 2004 due to these allegations and infiltration by criminal elements.

The notorious and misnamed Buxton gangs' killing spree between 2002 and 2008 killed and maimed over 500 (many cases were not reported). The gangs were majority but not exclusively Afro- Guyanese.

The State Party wonders how does the Independent Expert reconcile the issue of race and profiling in Jamaica which has the highest per capita homicide rate in a relatively homogenous society where both victims and perpetrators are one race, different classes sometimes, or neighbourhoods, and where the Police in altercations kill more black men on an annual basis?

Guyana Response to Para # 63:

The State Party finds these comments of interest as it is the PNC between 1997-2006 who publicly by its highest leaders encouraged violence on the streets, disobedience to the law enforcement officers, and called the criminal gangs "freedom fighters"

The terror campaign of the gangs had nothing to do with discrimination and exclusion; they in fact never publicly articulated any reason for their actions.

The State Party asks if there is any wonder that misdirected radicalism and disrespect for law and order having being condoned and openly supported by these political leaders would not have an impact on young people.

Guyana Response to Para # 64:

The State Party has never nor will it ever refer to the criminal gangs that occupied the village of Buxton as "Afro-Guyanese gangs."

Ethnic tensions were not heightened nor was there anti-African sentiment. A perusal of the newspapers would substantiate that view. It was the Government of Guyana and the Disciplined Forces that were under siege for what people felt was their failure to protect them, The riots that took place after Lusignan were spontaneous eruptions of a mass popular response to the psychological terror and trauma caused by those inexplicable and brutally murders, especially the 5 children killed in their beds and the horrific and graphic pictures that were released in the media. At Lusignan, the victims were not all Indian and the same was true in Bartica.

Lindo Creek took place after and there is no evidence to show that it was any other than the criminal gang on the run from the police. Witnesses who may have key information on the Lindo creek murders have not helped the police force.

It may be of interest to the Expert that more intra-ethnic violence occurred in Buxton between those who supported the criminal gangs and those who wanted the gangs out of their village and these conflicts were mainly between one ethnic group. These victims in the intra-Buxton conflicts were shoot, beheaded, tortured, raped, burnt alive and houses burnt. The media reports of the period substantiate this statement.

The case of Eusi Kwayana, an elder of the village of Buxton, an educationist, founder of ASCRIA(dedicated to preserving African heritage) in the 1960s, and a leader of the Working People's Alliance, exposed the linkage of the political leaders of the PNC with the criminal gang leaders and was eventually forced to leave the village for his safety in November 2004. His letter published in the Letter Columns of the Stabroek News on the eve of his departure is an indictment of those who orchestrated the carnage for political ends.

The Expert should note that 2 persons were apprehended for the Lusignan massacre and 2 for the Bartica massacre. Both are in prison on remand and they are Afro-Guyanese, and are all known criminals with long rap sheets.

The State Party expresses its disappointment that some of its key responses in relation to these allegations were not included in the revised version.

Guyana Response to Para # 65:

The State Party advised the Independent Expert that the disappearance of 30 AK47 from the Army HQ in February 2006 seemed to have been omitted by those meeting the Expert including the brazen and bold use of these and similar weapons by the criminal gang on many occasions. For instance, the gangs blocked the East Bank Demerara highway, Region 4, on two occasions (February 2006 and April 2006) in which a private security guard in the vicinity of the ambush was gunned down, innocent people in cars on the highway were killed and injured and 3 Afro_ Guyanese were burnt alive in the nearby predominantly Afro-Guyanese Agricola village. Further more, the same gang assaulted and ambushed another predominantly Afro- Guyanese village in same area in the same year and murdered two persons and then went on to attack and kill execution-style 5 workers at the Kaieteur News Printery, all of different ethnic groups.

The State Party also lodges its surprise that the assassination of in April 22, 2006, of a Minister of Government, two members of his family, and a security guard at his residence and two other persons injured were not even mentioned in the report. No such thing has ever happened in any CARICOM country.

The State Party emphasizes that the country was under a rein of terror and any government and any law enforcement entities and Joint Services had an obligation to protect its citizens from this brutal and senseless slaughter.

The State Party informs the IE that the Guyana Police Force which was established in 1865 and which recorded a loss of 10 policemen in the line of duty up to Y2002: after the 2002 Prison

break when the activities of the criminal gang began and Y2008, 35 policemen, and several army officers were killed. One female prison officer was permanently maimed as a result of the Prison Break. This report omits those who were injured including those who were permanently maimed. These victims were majority Afro-Guyanese.

It is regrettable that Expert did not seek to learn the views of the government and the heads of the Joint Services on any of these allegations.

The State Party declares that the statement about destruction of farmlands is far from the truth, the criminal gangs used the traditional farming backlands as their hideout and prevented many of the small farmers from working their lands for their livelihood. The topography of the area allowed the gangs to use guerrilla tactics and move unobserved throughout the backlands that connect all the villages on the east coast and into further areas of the coast, unobserved to strike, kill and go back to their hideout in Buxton.

After the Lusignan and Bartica massacres, the Joint Services acting on the urging of the National Stakeholders Forum in March 2008 convened by the President to rout the criminals out from their safe haven. The area had become a jungle and machines were brought in to clear that land. A Farmers Committee in Buxton was formed which worked with the Ministry of Agriculture where they received compensation, fertilizers, seeds to allow them to return to their farming area

The State Party notes that some of these responses were included in the revised report at paragraphs # 68, 69 and 70.

There is no evidence whatsoever even from the media that the Joint Services exchanged indiscriminate fire killing innocent people. The exchanges were always with the criminal gang members.

Guyana Response to Para # 66:

The State Party has responded to this at # 64.

Guyana Response to Para # 67:

The State Party finds this section of the IET's report exceedingly interesting as the hundreds of victims, murdered, raped and maimed seem to have no rights and evoke no concern in any aspect of this report.

Guyana Response to Para # 70:

The State Party finds that this is a totally inadequate account of the GOG rejection of these claims. The GOG again declares that it never referred to the criminal gangs as "Afro-Guyanese."

V. IDENTITY, LANGUAGE, CULTURE AND RELIGION

Guyana Response to Para # 72:

The State Party categorically opposes the sentence which refers to the 'hardship disproportionately experienced by Afro- Guyanese' as not supported by empirical evidence.

The State Party has already referred to the World Bank Poverty Report 2008 with data that refutes this argument. The Poverty Reduction Strategy Programme Assessment 2002- 2007 which was examined in all ten regions at community meetings and the PRSP successor programme 2008-2012 also refute this.

In fact the PRSP 2008- 2012 shows that the poorest population are those in the rural interior who are pre-dominantly Amerindian.

Guyana is a poor emerging democracy that has been able to move from 67% of its population living below the poverty line to 36% in 16 years. Whilst there has been a sizeable reduction in poverty over recent years, the State Party recognizes that there is still too many people who are living below the poverty line. The safety nets provided for include public assistance, pensions to all persons over 65, school uniform allowances, school feeding programmes targeted to the poorest communities, in addition to the low income housing programmes and free education and health services.

It may be useful for the Expert to acquaint herself with the Bureau of statistics information publicly available on their website, <http://www.statisticguyana.gov.gy>.

The State Party refutes the comment about Buxton. Since the village was under siege by the criminal gang (majority not Buxtonians) the traditional August celebrations had been severely curtailed including the march by this reality.

The State Party declares that when the dust settles and the inhabitants of Buxton are free to speak from fear of the remnants of the criminal gang and their masterminds, the truth of the rape and the consequential spread of HIV/AIDs, pillage, the migration of entire families out of the area who abandoned their houses, the execution of persons who the gangs were of the view that they were informants, the burning of houses, and the conversion of young adolescent school going male children into child soldiers of the gangs, it will become a shocking revelation of what the inhabitants experienced in that village over the last 6 years.

The State Party recognizes that it is too early and the healing process for the community has to take place first.

The State Party does however note with interest that no one the Expert met seems to have been concerned with these incidents nor any mention of the public presence of pubescent males with weapons parading through the streets and keeping male and female adults “in order” in the 2003-2008 period. These have all been documented.

The State Party was obligated to uphold the CROC as recruiting and training young pubescent males as “child soldiers” for the gangs is a violation of the CROC.

Guyana Response to Para # 73:

The State Party refers the IE to the International Media Monitoring Unit Report on the coverage and related areas of the media in relation to the 2006 national and regional elections.

Furthermore, there is one state owned television station and one radio station under the National Communication Network which does cover government information. There are also 18 privately

owned television stations across 7 of the ten administrative regions. Of these the ethnic ownership of 14 are known; seven (7) are owned by Afro-Guyanese, five (5) are owned by Indo-Guyanese and two (2) by Portuguese Guyanese.

The majority gives no or limited coverage to the ruling parliamentary party, nor does the state owned media. One television channel exclusively carries the PNCR views.

There are also 4 daily newspapers, of which one is state owned and the rest are privately owned and there are 2 weekly newspapers, one owned by the PPP and one by the Catholic Church.

There are a number of monthly and quarterly magazines which focus on a wide range of issues, some exclusively focus on culture and the arts.

The State Party is unaware of any media restrictions on the coverage of “African-oriented programmes.

Guyana Response to Para # 75:

The State Party wishes to repeat its earlier correction Amerindian heritage Month is in the month of September and Emancipation Day is on August 1st.

**VI. CONCLUSIONS AND RECOMMENDATIONS OF
THE INDEPENDENT EXPERT**

Guyana Response to Para # 80

The State Party regrets that despite its best efforts to provide factual and independent information and not subjective views on the allegations and assertions made in this report, the Independent Expert repeats a political perception which is not socially nor empirically upheld. Regrettably the Independent Expert’s revised report continues to be replete with rumour and subjectivism.

Guyana Response to Para # 81:

The State Party has responded to these observations earlier on in the report.

Guyana Response to Para # 82:

The State Party finds the first sentence sweeping and unhelpful as to which communities, it states “entire African communities” without naming them.

There is no stigmatization of Buxton by the government: those who made the village the centre of public safety and security were the criminal gangs who had the village under siege in the 2002-2008 period.

The Joint Services operational orders or “Operation Restore” belie this statement.

Guyana Response to Para # 83:

The State Party advises that the 2006-2011 GOG/IDB funded Justice Sector Programme and the Citizen Security Programmes are serious and significant interventions towards building trust in the rule of law in the country, as does the GOG/DFID Security Sector Reform Plan.

The GOG/UNDP/DFID/UNICEF/ CIDA/EU “ Enhancing Public Trust, Security, and Inclusion “ signed in August 2008, the successor programme to the 2003-2006 UN Social Cohesion Programme and the UN Core Technical Mission visit and recommendations in 2007, also has objectives of achieving greater social stability and national cohesiveness.

Guyana Response to Para # 84:

The State Party notes that these perceptions are not consistent with the larger picture. As an emerging democracy and now a low middle income country we suffer from many problems similar to other such countries. These perceptions enunciated by a very small number are not reflected in the larger dimensions of the society.

Guyana Response to Para # 85:

The State Party notes that the sweeping and profound reforms in the constitution and the Parliament which arose in the same period mentioned above and which gives the opposition a veto or a checkmate role cannot be miniaturized. The political disenfranchisement referred to may be more a reflection of some Afro-Guyanese who have lost confidence in their traditional party, the PNC, and may be uncertain of where or who their leaders are.

The State Party remains committed to dialogue and constructive engagement with the political actors, religious, business and labour leaders to bring consensus and national unity.

Guyana Response to Para # 86:

The State Party finds this statement baffling as Guyana has submitted its interim report in 2007 as requested on the issues it was asked to answer. Furthermore, those issues which Guyana had to report on referred exclusively to indigenous peoples which the IE declared she had no interest in.

Guyana response to Para # 87 and Para # 89:

The State Party advises the IE that National Stakeholders Forum emerged in 2008 as the Head of State’s initiative to engage the major stakeholders in civil society including the parliamentary political parties on issues of national concern.

In 2008, 9 consultations were held – 4 on crime and security, two on global fuel and food crises; one on the EC/CARIFORUM Economic Partnership Agreement: one on the Policy of Avoided Deforestation and one on violence against Women and Children.

In 2009, one was held on the implementation of one of recommendations of the March 2008 Joint agreement of the NSF.

This collective represents the 5 parliamentary political parties, the two umbrella trade union movements, the 4 business sector umbrella bodies, the three official Christian bodies, the Hindu community, the Muslim bodies and the Inter-Religious Organizations (that represents those religions not part of the official bodies, including the Rastafarian, Bahai, and spiritual churches), women umbrella groups, GHRA, the 5 Amerindian organizations and some other civic organizations. The total number of civil society organizations which has been part of this engagement number over 500 representing more than 200,000 citizens.

The State Party reported in the report on the status of the recommendations at the NSF.

Guyana Response to Para # 88:

The assumption is that this does not happen. The State Party does not accept the conclusion herein. Specific cases have been investigated and person have been charged and brought before the courts or disciplined depending on the charges and evidence.

Guyana Response to Para # 89:

The State Party disputes this conclusion. .

I. Establish as a matter of urgency a new Parliamentary Standing Committee on National Security with ministerial representation;

Guyana Response:

The State Party advises that the National Assembly approved the constitutional amendment on January 29 2009 with the Government and two of the three opposition parties.(the AFC and GAP)

II. Expedite the appointment of those Constitutional Commissions which are key features of the governance framework and still have not been established. Guarantee that those who are appointed as Commissioners have credibility is all communities;

Guyana Response:

The State Party has responded on the status of this earlier in our response.

III Convene and activate the Parliamentary Constitutional Reform Committee to address issues presently before it and to examine further areas for constitutional reform;

Guyana Response:

The State Party advises that this Committee held a number of meetings after the March 2008 agreement, however, the health of the Attorney General and his subsequent retirement has lead to a vacuum that will be filled by the newly appointed Attorney General.

IV. Ensure the meaningful and effective participation of civil society in these Parliamentary processes;

Guyana response:

The State Party is of the view that the National Stakeholders meetings have proved to be a very effective method of engagement with civil society. See # above 87.

No piece of legislation comes to the Cabinet without being subjected to discussion by interested stakeholders. The same holds for major policy initiatives.

The Constitutional and Parliamentary reforms provides for the involvement of the civil society in the nomination process to the HR Commissions, attendance at 5 of the parliamentary committees charged with oversight of the government and submissions to parliamentary committees on matters of concern.

V. Explore an agreed mechanism for the continuation of the National Stakeholders' Forum.

Guyana Response:

The State Party advises that at the most recent NSF meeting in January 2009 this matter continues to be open for further discussion.

Guyana Response to Para # 90:

The State Party challenges the Independent Expert to find one other country in the region where the populace is engaged at every level on issues of direct community and national concern, policy initiatives, consultations re draft legislation etc.

Guyana Response to Para # 91:

The State Party finds the assumption of the Independent Expert that this is not the case as unacceptable. The State Party can point to funding for communities, primarily Afro-Guyanese where these communities have benefited on par with or in some cases better than other communities, based on the expressed needs.

Guyana Response to Para # 92:

The State Party is not willing to change the definition of treason and is following the globally accepted position of the developed world to tighten anti-terrorism legislation. The portfolio that the Prime Minister holds in Guyana should not be the concern of the Independent Expert.

Guyana Response to Para # 93:

The State Party reiterates its earlier submission to the Expert that the extent of this investment is always an issue relating to availability and allocation of limited and scarce resources. The social statistics collection system is weak but PAHO,

UNDP. UNICEF and IDB have been assisting to improve this in various areas and agencies such as the Bureau of Statistics, the GECOM in relation national identification/voter registration systems, the Ministry of Finance IFMAS disbursement of budgetary allocations and expenditure, the Ministry of Health epidemiological centre, the Ministry of Home Affairs Crime Statistical Centre, the Ministry of Labour, Human Services and Social Security data bases, the Ministry of Education data bases.

Guyana Response to Para # 94:

The State party notes this recommendation.

The GOG/IDB Justice Sector Programme (2006-2011) is focused on modernizing and improving the administration of justice.
