

## Second periodic reports

### Guyana (25<sup>th</sup> session)

145. The Committee considered the second periodic report of Guyana (CEDAW/C/GUY/2) at its 527th meeting, on 18 July 2001 (see CEDAW/C/SR.527).

#### **(a) Introduction by the State party**

146. In introducing the report, the representative of Guyana informed the Committee that her Government was committed to ensuring the existence of mechanisms to guarantee the full and equal participation of women and men in society. She also acknowledged that, while significant progress had been made, patriarchal norms, social and cultural attitudes and the challenging economic situation constituted obstacles to the achievement of full gender equality.

147. The representative informed the Committee that the constitutional reform process had led to the agreement that non-discrimination on the basis of sex, gender, marital status and pregnancy should be an enforceable fundamental right enshrined in the Constitution. A law passed in 2001 by the National Assembly provided for constitutional commissions, including the Women and Gender Equality Commission.

148. The representative explained that the Women's Affairs Bureau was an agency within the Ministry of Labour, Human Services and Social Security, with the responsibility for coordinating national efforts to remove discrimination against women in society. Since its establishment in 1981, the Bureau had been responsible for policy changes and legislative and administrative measures to guarantee women equal opportunities in education, training and employment. While the Bureau's wide range of functions had limited its capacity in the past, it would be strengthened in the near future in terms of human and financial resources.

149. The representative explained the purpose and functioning of other mechanisms and institutions to promote gender equality. The Guyana National Plan of Action for Women 2000-2004 constituted a comprehensive approach towards addressing such factors as health, education, agriculture, unemployment, violence against women and leadership issues. The Guyana Women's Leadership Institute had been established in 1997 by the Government in cooperation with the United Nations Development Programme, with the objective of empowering women in terms of both personal and public leadership. The National Resource and Documentation Centre was responsible for the collection and dissemination of materials and information on women and gender issues. The Inter-Ministry Committee provided the Women's Affairs Bureau with technical advice and was responsible for gender mainstreaming in governmental ministries, departments and agencies. The National Commission on Women was comprised of representatives of the political parties represented in Parliament and advised the Government on policy issues affecting women.

150. The representative explained that the Constitutional Reform Commission had made a recommendation for a mandatory representation of 33.3 per cent women in the list of candidates representing all political parties participating in general and regional elections. While no provision had been made to ensure that women were chosen from the list to represent their party in the Parliament, that provision had resulted in women comprising 30.7 per cent of members of Parliament following the most recent elections. At present, women held 21 per cent of ministerial posts, and an Amerindian woman was in charge of the portfolio of Amerindian Affairs. The representative noted that measures would be taken to strengthen the capacity of women to participate in politics, with a special focus on local elections. She also noted that, while the participation of women in the regional democratic councils had increased, all of the chairpersons of those councils were male. The representative informed the Committee that the position of Chancellor of the Judiciary was held for the first time by a woman.

151. Concerning women's health, the representative highlighted the national concern about the increasing number of people being infected and affected by HIV/AIDS. According to recent data, Guyana had the second highest infection rate in the Caribbean region, with women representing 45 per cent of those

infected. In cooperation with non-governmental organizations, the Government planned to engage in a multifaceted programme to prevent the further spread of HIV/AIDS.

152. The representative addressed the issue of education by describing programmes to provide skills training for women who had dropped out of school. She also noted that the absence of a national policy for maternity leave continued to disadvantage women in the labour force, particularly since no legal or administrative provisions existed to guarantee women maternity benefits in the private sector.

153. Since the passage of the Domestic Violence Act in 1996, counselling services and legal aid had been made available by the Ministry of Labour, Human Services and Social Security and non-governmental organizations. Members of the police force and social workers had also been trained to deal with cases of domestic violence.

154. In conclusion, the representative noted that, while the current climate of political instability was a major challenge to gender equality, she hoped that the National Plan of Action for Women's Development would unify women despite religious, social, cultural and political differences, so that they would be able to contribute to the country's economic and social development.

## **(b) Concluding comments of the Committee**

### **Introduction**

155. The Committee commends the Government of Guyana on its second report, which is in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions of the Committee's pre-sessional working group, and the oral presentation of the delegation that sought to clarify the current situation of women in Guyana, and provided additional information on the implementation of the Convention.

156. The Committee congratulates the Government for the high-level delegation, headed by the Minister of Labour, Human Services and Social Security. The Committee expresses its appreciation for the frank information provided and the constructive dialogue that took place between the delegation and the members of the Committee.

### **Positive aspects**

157. The Committee welcomes the constitutional reform process which led to the recognition of non-discrimination on the basis of sex, gender, marital status and pregnancy as a fundamental human right enshrined in the Constitution. It also welcomes the passage of Bill No. 6 of 2001, which provides for the establishment of constitutional commissions, including the Women and Gender Equality Commission, which will be responsible for ensuring that women are not discriminated against in any sector of society.

158. 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 young woman of Amerindian descent to a ministerial office, for the first time in the history of Guyana, assigned with the portfolio of Amerindian Affairs.

159. The Committee commends the Government on the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections and a representation of a critical mass of women in a range of professions in the public sector.

160. The Committee also commends the Government on the adoption of its National Plan of Action for Women 2000-2004, which constitutes a comprehensive approach to addressing critical issues affecting women, such as employment, violence against women and women in decision-making.

### **Factors and difficulties affecting the implementation of the Convention**

161. The Committee recognizes that the implementation of structural adjustment programmes and the increasing debt burden, as well as political instability, have impeded progress in the full realization of women's rights.

### **Principal areas of concern and recommendations**

162. The Committee expresses concern that, in spite of the legal measures introduced, the successful implementation of such laws and policies has yet to be achieved in many areas. The Committee expresses concern at the absence of reference to indirect discrimination in the Constitution and legislation seeking to

eliminate discrimination. It further expresses concern that the Constitution does not as yet provide for a complaints procedure to enforce the guarantees on gender equality and fundamental human rights.

163. The Committee recommends that the Government give priority to constitutional and legislative reform to address these gaps and strengthen law enforcement so as to ensure that women's de jure and de facto equality will be realized. The Committee recommends, in particular, the strengthening of civil remedies so that women can enforce their rights through litigation. The Committee encourages the Government to establish the constitutional commissions, including the Women and Gender Equality Commission, as soon as possible.

164. The Committee expresses concern about the effectiveness of the national machinery engaged with gender issues in Guyana. The Committee also expresses concern that insufficient human and financial resources have been allocated to the national machinery.

165. The Committee recommends that the Government clearly define the mandates of the various commissions and the level of interaction among them. The Committee encourages the Government to continue its process of restructuring the national machinery and to allocate the necessary human and financial resources to ensure effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries.

166. The Committee expresses concern that women do not seek legal redress when they suffer discrimination in employment because they are deterred by the delays in litigation caused by the enormous backlog of civil cases.

167. The Committee recommends that employment arbitration be provided as an option and that measures be taken to prevent delays in litigation. It also recommends that the Government take measures to increase women's awareness and understanding of their rights and provide legal aid facilities, where possible, in cooperation with non-governmental organizations.

168. While there seems to be a policy on maternity leave, the Committee expresses concern that women continue to be discriminated against on the grounds of pregnancy and maternity, particularly in the private sector, where contractual arrangements are also made to circumvent the existing laws. Law enforcement is dependent upon prosecution by the Chief Labour Officer; this does not appear to provide effective remedies.

169. The Committee urges the Government to bring its laws and policies on maternity in conformity with the Convention. It encourages the Government to develop a national policy for the private and public sectors that includes minimum mandatory and paid maternity and parental leave, and to provide effective sanctions and remedies for violation of laws on maternity leave. It also encourages the Government to establish training programmes for the staff of the Labour Office to facilitate prosecution and ensure the effective enforcement of existing laws for both the public and private sectors.

170. The Committee expresses concern that stereotypical attitudes and behavioural patterns owing to cultural beliefs about the roles of women and men in the family and in society persist.

171. The Committee urges the Government to implement awareness-raising campaigns to change stereotypical and discriminatory attitudes concerning the roles of women and girls, including specific programmes targeting boys and men.

172. The Committee expresses concern about the persistence of gender-based violence, in particular domestic violence.

173. The Committee urges the Government to place a high priority on measures to address violence against women in the family and in society in accordance with the Committee's general recommendation 19.

174. The Committee expresses concern about the situation of rural women and Amerindian women, and the lack of information thereon.

175. The Committee encourages the Government to give full attention to the needs of rural women and Amerindian women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services. The Committee requests that the Government provide detailed information in that regard in its next periodic report.

176. While the Committee recognizes the negative effects of structural adjustment programmes on certain groups of women, it is concerned at the high incidence of poverty among women.

177. The Committee requests the Government to provide additional information on the programmes and projects that have been implemented to combat the negative impact of structural adjustment programmes on

women and, in particular, households headed by women, and to ensure that governmental policies to eradicate poverty are continuous and do not further marginalize women.

178. The Committee notes with concern the increasing number of HIV/AIDS cases in Guyana, especially among young people.

179. The Committee strongly urges the Government to take a multifaceted and holistic approach to combating HIV/AIDS, including broad-based educational strategies and practical prevention efforts, targeted at women and adolescents.

180. The Committee expresses concern about the application of legislation on prostitution, dating from 1893, which has not been reformed and continues to penalize the prostitute but not the client or the procurer.

181. The Committee urges the Government to take effective steps to review and amend existing legislation on prostitution in conformity with the Convention, and to ensure its full implementation and compliance. Moreover, in the light of the high incidence of HIV/AIDS in Guyana, full attention must be paid to the health services available to prostitutes.

182. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

183. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

184. The Committee requests the wide dissemination in Guyana of the present concluding comments in order to make the people of Guyana, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".