



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-third session
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**Responses to the list of issues and questions for
consideration of the combined third, fourth fifth
and sixth periodic report**

Guyana

CONSTITUTION, LEGISLATION AND NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN

1. The current report 1998-2002, was prepared by a team co-ordinated by the Women's Affairs Bureau. Members were drawn from Ministries as represented on the Inter-Ministry Committee (a body which provides technical assistance to the Women's Affairs Bureau), relevant NGOs, a number of Women's organizations, a representative of the Women's Studies Unit of the University of Guyana, the Women's Arms of the Trade Union Movement, Professional Groups, and Church Organizations.

Viewpoints as well as factual information were obtained from groups across the administrative Regions through consultations with women in those locations. The Report was presented to the Cabinet (made up of Ministers, and is chaired by the Executive President). Following approval by the Cabinet, the Report was transmitted through the Ministry of Foreign Affairs.

2. The Constitution Reform process, the drafting stage of which was monitored by the Oversight Committee of Parliament, concluded its work with the presentation of a number of Draft Bills to Parliament for the revision of the Constitution. The Revised Constitution Reform Bill which provides for expanded grounds of non-discrimination to include sex, gender, marital status and pregnancy came into effect in 2003. While there is no specific provision regarding indirect discrimination, it is felt that given the new constitutional provisions that incorporate the Convention on the Elimination of All Forms of Discrimination Against Women into and as part of the Constitution, to be implemented by both the governmental and non-governmental sectors, and to be monitored by the yet to be established Women and Gender Equality Commission, that this issue will thereby be adequately addressed.
3. The proposed dialogue between the Women's Affairs Bureau and the Guyana Association of Women Lawyers for revision and amendment to the legislation reviewed by Guyana Association of Women Lawyers was temporarily shelved due to the fact that Guyana Association of Women Lawyers was at the time engaged in the implementation of two CARICOM/ OAS Projects. As an initial step, towards the review of legislation which impinges on CEDAW, the National Commission on Women and the Women's Affairs Bureau organized discussions with women at regional level to solicit their views on areas of concern which could be addressed by amendments to the law or new legislation.
4. By Constitutional Amendment enacted in 2000 and 2001, five (5) Commissions for the Promotion and Enhancement of the Fundamental Rights and the Rule of Law are to be established, namely

- (a) The Human Rights Commission
- (b) The Women and Gender Equality Commission
- (c) The Indigenous People's Commission
- (d) The Rights of the Child Commission
- (e) The Ethnic Relations Commission (already established)

Due to the prevailing problems with ethnic tensions in the country, priority was given to the establishment of the Ethnic Relations Commission. This Commission is functioning. It is envisaged that the Commissions would coordinate their work and operate out of a common secretariat. Care was taken to ensure for example that there is female representation on the Commissions especially the Indigenous Peoples' Commission because of the particular issues that need to be addressed concerning Amerindian Women. The members of the Commissions are chosen after a process that involves the nomination of entities by two-thirds of the National Assembly of Parliament through the Appointive Committee of Parliament which has representatives of both the government and the opposition. The entities are then invited to meet to choose their representatives. The entities consulted and to be consulted include those representing women, the labour movement, civil society, and the private sector. It is envisaged that by this means the Commissions would have as wide a cross section of participation as possible. Except for the Human Rights Commission, the chair of which is appointed by the President after consultation with the Leader of the Opposition, in the other Commissions the Chair is chosen by the members of the Commission from among their number. The final appointment is made by a two-third majority of the elected members of Parliament.

Each of the Rights Commissions listed above will nominate one of its members as representative to the other Commissions. Such representatives will have no voting rights. This representation by other Commissions aims at providing a level of co-ordination in relation to programme formulation.

Members of the Commission shall be appointed for 3 years and be eligible for re-appointment.

The Constitution prescribed the functions of each Commission. Additional functions may be provided for by law, requiring approval by majority votes in the National Assembly. Removal of any function shall be by the votes of not less than a two-thirds majority of such members.

The Women and Gender Equality Commission shall have a Chairperson and a Deputy Chairperson elected by and from the members of that Commission using such consensual mechanism as the Commission deems fit. Rules are set for filling positions which become vacant.

The Functions of the Women and Gender Equality Commission are to: -

- Promote issues related to the enhancement of the status of women, girls and

- gender issues;
- Promote the integration of women's needs and interests and mainstreaming of gender issues;
- Promote the empowerment of women
- Promote women's rights as human rights
- Raise the awareness of the contribution of women and problems faced by women including the recognition and value of unwaged work;
- Promote women's needs, interests and concerns in the wider spectrum of economic and social development and address both the practical and strategic needs of women as being different from those of men;
- Educate and monitor employers and the public on desirable employment practices in relation to women;
- Monitor compliance and make recommendations for compliance with international instruments to which the Government accedes from time to time, including those already acceded to and which relate to the purpose of the Commission.
- Evaluate any system of personal and family law, customs or practices or any law likely to affect gender equality or the status of women and make recommendations to the National Assembly with regard thereof;
- Recommend and promote the implementation of legislation and the formulation of policies and measures so as to enhance and protect the status of women;
- Promote, initiate or cause to be carried out research and the creation of databases on women and gender related issues including those of health, especially reproductive health, violence against women and the family, and their socio-economic and political status, as the Commission may deem relevant or as may be referred to it by the National Assembly;
- Promote consultation and cooperation with women's organization in relation to decision-making that affects the lives of women
- Recommend training and technical assistance to support initiatives by and for women, and girls and
- Promote the participation of women in national decision-making

The Commission is an independent impartial body and shall discharge its functions fairly.

The final process in the appointment of the Commission has not been concluded although preliminary work has been done in relation to identifying the entities that have to be consulted. The human and financial resources required cannot therefore be determined at this time.

5. A National Gender Equality policy, based on the Convention and incorporating the recommendations of the Platform for Action has been formulated, and awaits the approval of the Cabinet. An Action Plan to the period 2006-2010 will be formulated, based on the approved policy.

6. The backlog of civil cases is not the overriding reason for the reluctance of abused women to seek legal redress. Cultural orientation in the main, as well as the low economic status of women many of whom depend on the earnings of males are the main factors for under reporting of abuses leading to charges being negligible in number. In addition, inadequately financed legal aid services and the limited understanding of the Police of their role are also serious impediments. However, much work is on-going regarding training of the police through support from CIDA in collaboration with the Ministry of Labour Human Services and Social Security. There is also a need for strengthened social services and the Ministry has begun to address this primarily by the appointment of the Social Workers as Gazetted Officers who can assist victims of violence to prosecute their cases.
7. This statement has been made in error as the Ombudsman does not deal with such issues as discrimination in employment. Such issues are dealt with primarily by the Chief Labour Officer.

VIOLENCE AGAINST WOMEN, AND EXPLOITATION OF PROSTITUTION

8. Plans are currently being formulated for the establishment of a National Task Force on Violence, but in the absence of such an entity there is an active network responding to this issue. This network comprises the Women's Affairs Bureau, the Police, Help and Shelter, Red Thread and other organizations working for women e.g the Guyana Association of women Lawyers. Significant support comes from the Probation and Family Welfare Services of the Ministry of Labour Human Service and Social Security whose officers have now been gazetted, authorizing them to apply to the Courts on behalf of clients for protection orders in the case of Domestic Violence.
9. The issue of the decriminalization of prostitution has been under discussion particularly in relation to the response to the HIV/AIDS pandemic in the country. However, cultural and societal resistance to changes have been encountered and there are on-going consultations.
10. In the case of labour exploitation the law provides for an employer employing anyone below the age of eighteen (18) years to keep a register showing the date of birth and date of employment. The Labour Officers inspect employment premises to ensure the laws are complied with.

Birth registration of Amerindians has been addressed in a National Birth Registration campaign conducted by the Ministry of Labour, Human Services and Social Security in collaboration with the National Commission on the Rights of the Child. The campaign was intense and specifically targeted Interior Locations. This was followed by strategies pursued by the Ministry of Amerindian Affairs in their Social Development Programmes.

In relation to sexual exploitation it is hoped that with the enactment of Trafficking in Persons Legislation there would be better investigations and improved prosecutions in relation to sexual and labour exploitation. It is recognized that there is need for greater enforcement of the Employment of Youth Persons and Children Act 99:01.

11. The Ministry of Labour, Human Services and Social Security in pursuing its campaign to combat trafficking in persons wherever it might exist in Guyana, based on persistent anecdotal reports has embarked on a number of strategies aimed at addressing this situation.

Government, however, has formulated a multi-sectoral, inter-governmental, broad based approach to addressing this issue, in which victims are primarily women and children who are forced or coerced into prostitution or slave like situations. The Government is committed to combating this scourge and to protecting the most vulnerable groups.

Measures taken so far included: -

- A Public Awareness campaign throughout the ten administrative regions of Guyana. These visits facilitated the collection and dissemination of information on Trafficking in Persons at local level, interaction with Local communities and their leaders, and the exchange of views.
- The formulation of a National Plan of Action for Combating Trafficking in Persons. This plan was launched in May 2004, at a public symposium attended by a representative cross section of the Guyanese community including persons from hinterland locations
- Meetings were held with key agencies including Guyana Geology and Mines Commission, local religious leaders and Chambers of Commerce.
- In accordance with the National Plan of Action the campaign has now entered into a new phase in which training and community out reach strategies are the focus of attention
- At present there is the Combating of Trafficking in Persons Act No. 2 of 2005. This Act provides comprehensive measures to combat Trafficking in Persons

POLITICAL AND PUBLIC LIFE

12 In Guyana decision-making positions are accessible to women in both governmental and non-governmental agencies but there is still inequality. A specific analysis of this issue has not yet been undertaken. It is however, linked to the reality of women's multiple roles which do not readily support continuing specialized tertiary and professional level studies and the type of job experience associated with the requirements for top-level decision-making. There is also some evidence of cultural and attitudinal preferences for the employment of men instead of women in some situations.

It is to be noted, however, that there is continuous improvement in this situation. Women are acceding to high level decision-making positions in both government and private sectors. Examples of this could be seen in the number of women now positioned in the Directorates of Commercial Banks and Financial institutions. While the inequality still exists, there is no formal plan for addressing this issue.

EDUCATION AND STEREOTYPES

13. There has been no recent study on the reasons why students (boys and girls) drop out of school. The Ministry is aware that children sometimes drop out for economic reasons i.e they have to start earning a living, or if their parents cannot afford the costs associated with sending them to school. The issue of the reduction of poverty is one that the Government is addressing through all of its developmental programmes. This is the basis for the efforts to reduce Guyana's external debt and to get additional assistance through the Highly Indebted Poor Countries Initiatives (HIPIC). More direct efforts in the education sector consist of the provision of uniforms, shoes etc. to children in the difficult circumstances. There is also a milk and biscuit feeding program, which the Government is evaluating at this time, and a proposed hot meal program for some areas especially the hinterland regions. The Ministry of Education is also expanding its provision of free text books at all levels.

There is also a widely held view that some young people, especially boys, drop out of school because they do not see extended schooling as a vehicle to improving their economic circumstances. An unacceptable number become involved in illegal activities. The appropriateness of the curriculum may also be a factor in drop-out as well as the environment of the school. The Ministry is trying to promote a more child or student-friendly approach at all levels and to give, especially at the secondary level, alternative learning pathways to students.

14. There are not enough female role models in the non-traditional areas and where they do exist little effort is made to publicize their accomplishments. The non traditional areas are also still dominated by male teachers who are not gender sensitive. The Teacher Training College does include gender sensitivity in one of its new modules but this may not yet have had the anticipated impact. One interesting idea which has been posited is that for practical work in these non-traditional areas there should be same sex groups. It has been found that once the males and females work together the males tend to get most of the hands-on-experience while the females take notes and do the written reports. The Ministry needs to do more, but unfortunately in the absence of new initiatives, there is not likely to be any change in this situation in the short term.

EMPLOYMENT AND POVERTY

15. Under the National Insurance Scheme Benefits Act, all working women, who are employed and whether they work in the public or private sectors, are required by Law to be registered with the National Insurance Scheme and therefore would be covered for all available benefits. These benefits are inclusive of Old Age, Invalidity, Survivors, Funeral, Sickness, Maternity and Industrial.

Actual receipt of any of these benefits is dependent upon the claimants meeting the qualifications for the benefits which mainly relate to the number of contributions made during their working life.

In particular, access to Old Age Pension requires the claimant to have reached 60 years and the specified contributions on records at the National Insurance Scheme. This would entitle the claimant for pension for the remainder of her life.

16. In Guyana there is no differentiation in wages between women and men in the Government Agencies and the Public Sector. Minimum wage orders do not have different wages prescribed for females and males neither do Collective Labour Agreements between employers and Trade Unions. Generally, there is adherence to the provisions of the Equality Act 1990 to equal pay for equal work.

17. The Poverty Reduction Strategy Paper does not target poor women specifically, even though women's groups participated in the consultation, and identified women's concerns, the Women's Affairs Bureau will nevertheless design initiatives which link with the strategies identified in the Poverty Reduction Strategy Paper.

18. Some policy alleviation measures are reflected in the provision of safety nets as a way of seeking to address poverty. Although not directed exclusively to women, this group has been the beneficiary of these safety net programmes.

Safety net programmes are categorized in a number of ways. One is formal i.e. those programmes provided directly by governments, and the informal provided by social networks. Some safety nets are also categorized being either locally or externally funded. The informal programmes are subject to some level of involvement of the government e.g. SIMAP Board is headed by the Permanent Secretary of a Ministry.

Safety net operate through the provision of programmes such as public assistance which provides monetary assistance to individuals and organizations. Line ministries such as the Ministry of Labour, Human Services and Social Security, Education, Health and Finance provide specific assistance, which falls within their legal mandate.

In general safety net programmes provide cash or in-kind benefits (small equipment and tools) to target groups consisting of those who are in immediate and urgent distress; the chronically poor for the one reason or another e.g. the disabled; the elderly; those living below the poverty line even though they are employed; and single headed households. Transfers are made to lactating mothers.

The Ministry of Labour Human Services and Social Security through its Difficult Circumstances Unit provides assistance, ranging from seed money for small “cottage” projects to small cash crop ventures. Such assistance has also included the provision of sewing machines refrigerator, freezers and other small equipment in support of small income generating ventures pursued by women.

The Ministry of Finance has also been responsible for administering direct poverty alleviation programmes and while not targeting women specifically, women are beneficiaries of these programmes. The activities of this Ministry are focused on rehabilitative support which includes training, tools and materials as well as direct social assistance to the poor, single parent families, the disabled and low income workers.

At the level of informal safety nets there are a number of programmes such as the Social Impact Amelioration Programme (SIMAP), Futures Fund and Basic Needs Fund which are poverty alleviation programmes. Although not specifically aimed at women, these programmes are available sources for assistance to them. In some instances these programmes reserve a percentage of their grant aid for women. However, it has been noted that these social network programmes are only accessed by a limited number of women.

SIMAP’s programme is centered around such areas as the provision of cash supplements, food assistance and cash for small income generation projects. This programme also addresses community needs, vulnerable groups and infrastructural works in communities.

At the level of public policy there are several bits of legislation which are intended to promote gender equality, thereby addressing the state of gender induced poverty. These include the Equality Rights Amendment Act 1990, the Property Rights Act, the Married Property (amendment) Persons Act 1990, Maintenance Act, chapter 45:03 (which is currently being reviewed) etc. These Acts also seek to ensure the economic rights of women. Women, however, encounter difficulties when engaging in litigation by the application of these Acts. Legal assistance is provided by Ministry of Labour Human Services and Social Security through an attorney-at-law attached to the Difficult Circumstances Unit, but it is recognized that much more work has to be done in the provision of legal aid to women, so that they can better enforce their rights under the law.

HEALTH

19. The diseases that most affect women and girls are respiratory tract infections, HIV/AIDS, hypertension, skin disorders, worm infestation, diabetes mellitus, arthritis, rheumatism, eye infection and anemia.

The leading causes of death of women in 2002 were diabetes mellitus (244 deaths); cerebrovascular diseases (229 deaths); neoplasms (210); HIV/AIDS (191 deaths); ischemic heart diseases (190 deaths); hypertension diseases (119 deaths); heart failure; (97 deaths); acute respiratory infections (83 deaths); respiratory disorders perinatal period (59 deaths); intestinal infectious diseases (943 deaths).

The government's efforts to combat these include: -

- The establishment of an adolescent health unit in the Ministry of Health and the enhancement of services at all district and regional hospitals.
- Introduction of health clubs and HFLE in primary and secondary schools.
- Aggressive HIV/AIDS campaigns have been launched to benefit the ten regions, at the same time promoting condom use and behaviour change. Counseling is also provided to people living with HIV and AIDS (PLWHA) primarily in regions 2, 3, 4, 5, 6, 7 and 10.
- The Guyana Pharmaceutical Corporation in Region 4, is manufacturing an Antiretroviral Therapy (ARV) drug to treat the HIV/AIDS disease. This drug is being sold at a low cost or in some cases distributed freely to victims' country wide. In addition, to reduce incidence of mother to child transmission, eight pilot sites for testing in Regions 4 and 6 were established in collaboration with NGOs donor agencies and the GOG in 2001.
- Establishment of a Materials Management Unit to ensure greater efficiency in procurement, storage and distribution of drugs and medical supplies.
- Rehabilitation of various wards (medical, obstetrical and gynecological and psychiatric) of the Georgetown Public Hospital Corporation.
- Improved availability and access to information on epidemiological issues mainly through public awareness.
- Greater involvement of NGOs in the delivery of health care, particularly in the areas of HIV/AIDS, vector control, tuberculosis, elderly and child care and nutritional and feeding programmes.
- Ongoing training of staff, mostly through linkages with private and foreign hospitals.
- Ongoing recruitment of specialist in various fields of medicine under several bilateral and multilateral programs with countries such as Cuba, China, India and USA.
- Improving the laboratory facilities at the GPHC and the diagnostic imaging capacity by procuring CAT scan equipment that is expected to be functional in the near future.

COMPONENTS OF THE 1999-2001 NATIONAL STRATEGIC PLAN FOR HIV/AIDS THAT TARGETS WOMEN

20. According to findings from the review of the implementation of the National Strategic Plan for HIV/AIDS 1999-2001, the specific targets achieved included: -

- Increased availability of voluntary counseling and testing (VCT)

- Provision of safe blood and blood products through donor screening
- Provision of treatment for sexually transmitted infection in order to reduce transmission
- Greater involvement of NGOs and some larger private enterprises:
- Program to prevent mother-to-child transmission (PMTCT)
- Limited provision of antiretroviral (ARV) therapy

While this plan was comprehensive and achievable, the implementation suffered from a number of limitations such as: -

- 1 Insufficiency of resources – human, technological and financial
- 2 The multi-sectoral response was less than anticipated the public sector response being mainly from the Ministry of Health with some involvement of the Ministry of Labour, Human Services and Social Security
- 3 Continued stigmatization and discrimination in relation to HIV/AIDS and infected persons
- 4 Limited geographical coverage of interventions

These limitations affected the full realization of the outcomes and therefore strategies were rolled over and are being addressed in the National Strategic Plan for HIV/AIDS 2002-2006. This Plan has been taken into consideration the constraints of the previous implementation process and potential strengths of various partners within the public and private sectors and international community. Both Plans have components that target women, female adolescent and gender as a whole.

There are four components in the national Strategic Plan for HIV/AIDS 2002-2006. **The first component – Surveillance**, addresses the issue of conduction surveys among youths including females to assess issues such as condom use, age of first sexual intercourse and contact with non-regular sex partners.

The second component – Care, Treatment and Support, focuses on the issue of prevention of mother to child transmission (PMTCT). This is a pilot programme being implemented in Regions 4 and 6. Latest data on this programme revealed that of the 1, 232 pregnant women tested 58 or 4.7 percent were HIV positive.

The third component – Risk Reduction, addresses gender, in particular, among the 15-34 age group. This group is the most vulnerable and has the highest incidence of HIV/AIDS. Data indicate a high and growing prevalence of HIV/AIDS cases among youth, especially females in the 15-19 year age groups who out number their male counterparts in HIV infection. It was recognized that women and girls are more vulnerable to contracting HIV/AIDS because most women and girls are still confronted with limited access to secure livelihoods and socio-economic opportunities making them powerless in relationships. It was pointed out that for every single male infected with HIV; five females are likely to become infected. This component has developed strategies to promote abstinence, condom use, fidelity, marriage and strengthening and positive reinforcement of the family structure and family values as

effective lifestyles against the spread of HIV. It is expected that at the end of 2006, the average age at first consensual sex is increased to at least 16 years, teenage pregnancies to be reduced by 25% and at least 75% of persons reporting sexual risk behaviour have an appropriate perception of their own risk.

The fourth and final component – Management, Coordination and Policy Formulation, will scale up its national commitment to fight the spread of HIV/AIDS through programmes implemented by the Ministries of Labour Human Services and Social Security, Education, Culture, Youth and Sport, Civil society and the private sector.

While there are strategies that generally addresses gender and HIV/AIDS in both Strategic Plans more emphasis should be placed on mainstreaming gender into future HIV/AIDS Strategic Plans. These strategies should take into consideration the gender peculiarities that would have a greater impact on reducing the spread of HIV/AIDS among women and girls in particular.

VULNERABLE GROUPS OF WOMEN

21/22 Public Consultations to inform new legislation regarding the Amerindian Act has been concluded. This new legislation is presently being prepared by the Attorney's General Chambers for presentation to the National Assembly.

23. To date, there is no data whether empirical or anecdotal that suggest that racial tension by itself is an issue that affects the equality rights of women.

24. The National Commission for the Elderly in the process of drafting a National Policy for the elderly, which will be general in scope, but will be sensitive to the specific needs of elderly women.

Elderly women are beneficiaries of all existing programmes i.e. Old Age Pension, Medical Services, Water Rates Assistance, preferential attendances at Commercial Banks, Pharmacies and Supermarkets.

25. The Family Court Bill is still in draft. The Bill is being finalized under the project involving the Guyana Association of Women Lawyers as part of the children's legislation project sponsored by UNICEF. The draft Bill will be open for consultations with relevant stakeholders during the course of 2005, as it seeks to bring into being a new regime to deal with family matters. In addition to the Bill, Rules of Court will have to be drafted to operationalise the Act. It is envisaged that other social service support mechanisms would play an integral part in operationalising the Act and that the rigid procedures of court would be dispensed with.

26. While there have been recommendations for the amendment of the Married Persons' Property Amendment Act, an amendment has not been tabled as yet. However, in the Plan of Action 2006 – 2010 it is envisaged that this is one of the

issues that will be discussed so that a way forward could be chartered. The Adoption Act is currently being amended by the Guyana Association of Women Lawyers under the UNICEF project.

27. A decision to sign the Optional Protocol is under consideration. The Women's Affairs Bureau is monitoring the situation.