



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Guyana*

1. The Committee considered the third periodic report of Guyana¹ at its 4097th, 4099th and 4101st meetings,² held in hybrid format on 18, 19 and 20 March 2024. At its 4109th meeting, held on 26 March 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its third periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

- (a) Combating of Trafficking in Persons Act 2023;
- (b) Data Protection Act 2023;
- (c) Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2022;
- (d) Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Act 2023;
- (e) Digital Identity Card Act 2023;
- (f) Suicide Prevention Act 2022;
- (g) Restorative Justice Act 2022;
- (h) Bail Act 2022;
- (i) Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 2022;

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ [CCPR/C/GUY/3](#).

² See [CCPR/C/SR.4097](#), [CCPR/C/SR.4099](#) and [CCPR/C/SR.4101](#).

³ [CCPR/C/GUY/QPR/3](#).



- (j) Mental Health Protection and Promotion Act 2022;
- (k) Constitution Reform Commission Act 2022;
- (l) Law Reform Commission (Amendment) Act 2021;
- (m) Adoption of Children (Amendment) Act 2021;
- (n) Civil Law of Guyana (Amendment) Act 2021;
- (o) Registration of Births and Deaths (Amendment) Act 2021;
- (p) Low Carbon Development Strategy 2030 (2021–2030);
- (q) Guyana National HIV Strategic Plan (2013–2020) (HIVision 2020);
- (r) Child Labour Policy and National Plan of Action (2019–2025).

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. While noting the information provided by the State party that a constitutional reform will commence in 2024, the Committee is concerned that article 154A (6) of the current Constitution provides that the State party may divest itself or otherwise limit the extent of its obligation under the Covenant. It is also concerned that the interpretation of article 154A (2) of the Constitution may restrict the application of the Covenant within the national legal framework. The Committee is further concerned that the State party has not fully incorporated the provisions of the Covenant into its domestic legal system. Furthermore, it is concerned about the lack of specialized training on the Covenant and the justiciability of the rights therein for judges, prosecutors and lawyers and of awareness-raising activities for the general public (art. 2).

5. The State party should strengthen its efforts, including through the constitutional review process, to ensure the compatibility of its statutory and customary law with the Covenant. It should consider reviewing article 154A (2) and (6) of the Constitution to ensure that the rights protected by the Covenant are restricted only as permitted thereunder. The State party should fully incorporate the provisions of the Covenant into its domestic legislation. The State party should implement a thorough, accessible and regularly updated programme of specialized training on the Covenant for judges, prosecutors and lawyers to ensure that they apply and interpret domestic law in the light of the Covenant. It should raise awareness of the Covenant among all actors responsible for the implementation of the Covenant and the general public.

Views under the Optional Protocol

6. While welcoming the information provided by the State party that it is reviewing its reservation made upon re-accession to the Optional Protocol in 1999 and is considering the withdrawal of that reservation, the Committee reiterates its previous concern that the reservation is still in place.⁴ The Committee regrets the lack of detailed information provided on the implementation of its Views, their legal status and the availability of specialized training on the individual communications mechanism in the State party. It is concerned about the absence of a specific procedure or mechanism to examine and give effect to the Committee's Views under the Optional Protocol (art. 2).

7. In line with the Committee's previous recommendation,⁵ the State party should give further consideration to taking specific steps to withdraw its reservation to the Optional Protocol to the Covenant. The State party should ensure the implementation of the recommendations contained in Views adopted by the Committee, including through domestic courts, so as to guarantee the right of victims to an effective remedy. It should consider adopting legislation recognizing the right of authors of

⁴ [CCPR/C/79/Add.121, para. 9.](#)

⁵ *Ibid.*

communications to whom the Committee has granted any measure of reparation to demand before the domestic courts the implementation of such measures. It should also consider establishing a national mechanism to monitor the implementation of the Committee's Views.

National human rights institution

8. While the Committee takes note of the information provided by the State party that the current constitutional provision on the appointment of the Chairperson of the Human Rights Commission impedes the State's efforts to operationalize the Commission, it regrets the lack of clear progress towards operationalizing such an institution and the ongoing vacancy in the position of the Chairperson of the Commission, which precludes compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

9. The State party should take the measures necessary to operationalize the Human Rights Commission as an independent national human rights institution in accordance with the Paris Principles and consider reviewing the constitutional provision impeding the process of designating the Chairperson of the Commission as a matter of priority. The State party should ensure that the Human Rights Commission is provided with the human and financial resources necessary to carry out its mandate effectively.

Anti-corruption measures

10. The Committee takes note of the adoption by the State party of several laws and regulations to combat corruption, as well as of measures such as the creation of the Special Organized Crime Unit of the Guyana Police Force, which has primary responsibility for investigating financial crimes. However, the Committee remains concerned that the institutional framework to combat corruption is not yet sufficiently strong and effective in practice to adequately prevent and prosecute corruption, including corruption by members of the police force and high-level public officials. For example, the Committee is concerned about reports that: (a) the Commissioner of Information does not respond to all requests received from the public; and (b) the Protected Disclosures Act and the Witness Protection Act have not yet entered into force (arts. 1, 2, 14 and 25).

11. The State party should expand its efforts to adopt and implement efficient and prompt measures to promote good governance and combat corruption and impunity at all levels of government. In this respect, the Committee urges the State party:

(a) To adopt concrete measures to address the root causes of corruption as a matter of priority;

(b) To ensure that all corruption cases, including cases of high-level corruption and corruption in the police force, are independently and impartially investigated and prosecuted, that perpetrators, if convicted, are sanctioned with penalties commensurate with the seriousness of the offence and that victims receive full reparation;

(c) To take the measures necessary to ensure, in practice, the independence, effectiveness, transparency and accountability of all anti-corruption bodies, including the Auditor General's Office, the Commissioner of Information, the Integrity Commission and the Public Procurement Commission;

(d) To ensure that the right of access to information held by the Commissioner of Information can be effectively exercised in practice;

(e) To effectively protect whistle-blowers and witnesses by, inter alia, expediting the entry into force of the Protected Disclosures Act and the Witness Protection Act.

12. The Committee is concerned about reports of corruption and a lack of transparency and accountability in the management of natural resources, particularly in the oil and gas sector. In this regard, the Committee is concerned about reports of corruption by public

officials in the sector and the lack of information on measures taken to investigate such allegations (arts. 1, 2, 14 and 25).

13. The State party should take all appropriate measures to ensure that the management of its natural resources is not subject to corruption. It should ensure that government permits granted for the exploitation of natural resources and licences to exploit oil fields undergo adequate prior environmental and societal impact assessments carried out in a systematic and transparent manner, with the meaningful participation of all affected communities. Furthermore, the State party should ensure prompt, thorough, independent and impartial investigations into reports of corruption in awarding public contracts, conduct prosecutions and, where convictions are secured, apply penalties commensurate with gravity of the crime.

Non-discrimination

14. The Committee notes the information provided by the State party that it is reviewing the Prevention of Discrimination Act 1997. However, it remains concerned about the absence of comprehensive anti-discrimination legislation that extends beyond discrimination in employment, provides full and effective protection against all forms of discrimination prohibited under the Covenant, including direct, indirect and multiple discrimination, and contains a list of prohibited grounds of discrimination in line with the Covenant. The Committee is concerned about reports of: (a) the continued ethnic divide and tensions in the State party; (b) hate speech and incitement to racial hostility by politicians and public officials, as well as racial profiling by the police; (c) ill-treatment and violence, including sexual violence against transgender individuals in police custody and prisons, which are worsened by underreporting and ineffective investigations into such human rights violations; and (d) failure by the police to investigate all allegations of discrimination and violence against lesbian, gay, bisexual and transgender persons, in particular murders, and to bring perpetrators to justice (arts. 2, 7 and 26).

15. The State party should:

(a) Adopt comprehensive anti-discrimination legislation that explicitly addresses all spheres of life and prohibits direct, indirect and intersectional discrimination on all grounds, including race, ethnicity, age, nationality, religion, migration status, disability, sexual orientation and gender identity, and ensure access to effective and appropriate remedies for victims of discrimination;

(b) Redouble its efforts to end the existing divide and tensions between ethnic groups and discrimination against ethnic minority groups, including by creating opportunities for open dialogue between various ethnic groups, promoting inter-ethnic harmony and tolerance and overcoming prejudices and negative stereotypes, including in schools and universities and through the media;

(c) Take the steps necessary to prevent, condemn and combat hate speech and incitement to racial hostility, including by public officials and politicians, directed at the groups most exposed to racial discrimination;

(d) Take all measures necessary to effectively combat and eliminate racial profiling by law enforcement officers, inter alia, by providing mandatory training to law enforcement personnel on cultural diversity and the inadmissibility of racial profiling;

(e) Combat violence and discrimination against persons based on their sexual orientation and gender identity, ensure that offences motivated by the victim's sexual orientation or real or perceived gender identity are investigated promptly, and establish specific investigation protocols for such cases to ensure that those responsible are brought to justice and appropriately punished and that the victims receive full reparations.

Gender equality

16. The Committee notes with appreciation the information provided by the State party that the representation of women in Parliament has increased to 39 per cent and that 49 per

cent of managerial positions are held by women. However, the Committee is concerned about the lack of use by the State party of temporary special measures aimed at accelerating the achievement of substantive equality between women and men, including through statutory quotas for women's representation in national and local legislative assemblies. The Committee is also concerned about the persistent wage gap (arts. 2, 3, 25 and 26).

17. In line with the recommendations made by the Committee on the Elimination of Discrimination against Women,⁶ the State party should consider adopting temporary special measures, such as statutory quotas and a gender parity system, to accelerate the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged. It should intensify its efforts to close the wage gap between women and men.

Violence against women, including domestic violence

18. The Committee notes the measures taken by the State party to prevent and combat violence against women, including the establishment of the Sexual Offence Courts. It is nonetheless concerned about the prevalence of violence against women, including domestic and sexual violence, and femicide. It is also concerned about the low rate of reporting of violence by victims and the low conviction rate, which fosters impunity for perpetrators. The Committee is further concerned about the insufficient number of shelters for victims of domestic violence and their children throughout the State party, particularly in rural and hinterland areas. In addition, it is concerned that femicide is not expressly defined as a specific criminal offence, which hampers the identification of all cases of femicide (arts. 2, 6, 7, 14 and 26).

19. The Committee endorses the recommendations made by the Committee on the Elimination of Discrimination against Women and urges the State party to take the measures necessary to prevent, combat and eradicate all forms of violence against women, including sexual and domestic violence and femicide. The State party should adopt a national action plan to combat gender-based violence against women and adopt and enforce comprehensive legislation to criminalize all forms of violence against women, including intentional killings of women with a gender-related motivation. It should encourage the reporting of cases of violence against women, including domestic violence and sexual harassment, by, inter alia, improving access to justice and addressing the social stigmatization of victims, especially in rural and hinterland areas. The State party should ensure that all forms of violence against women and girls, including domestic and sexual violence and femicide, are investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims are adequately compensated. It should increase the number of shelters and assistance centres.

Maternal mortality, sexual and reproductive health and voluntary termination of pregnancy

20. While noting the information provided by the State party that the maternal mortality rate is decreasing, the Committee is concerned that it remains high (100 deaths per 100,000 live births). The Committee is also concerned about the limited access to safe, legal and effective abortion services in all areas of the country, in particular for Indigenous women, women living in rural areas and women living in poverty, which results in a high number of unsafe, clandestine abortions. The Committee is further concerned about increasing breast cancer mortality due to lack of adequate health services, including access to mammograms and other screening services that can promote the early detection of breast cancer among women throughout the territory (arts. 2, 6 and 7).

21. In the light of paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State party should redouble its efforts to prevent and combat maternal mortality and ensure women's access to safe and legal abortion in practice, especially for Indigenous women, women in rural areas and women living in poverty. It

⁶ CEDAW/C/GUY/CO/9, para. 22.

should strengthen its efforts to address the high rates of breast cancer by improving prevention, as well as early detection, treatment and psychological support for women and girls with cancer, and allocating adequate human and financial resources for that purpose.

Death penalty

22. The Committee welcomes the amendment of the Criminal Law (Offences) Act in 2010, which resulted in the removal of the mandatory death penalty and provided for life imprisonment and imprisonment with the possibility of parole. The Committee notes that no sentence of death has been carried out since 1997. However, the Committee regrets that the imposition of the death penalty remains possible under article 138 of the Constitution and that the State party retains the death penalty for certain offences that do not meet the threshold of the “most serious crimes” within the meaning of article 6 (2) of the Covenant, such as treason and hijacking or piracy related to a vessel attack. The Committee also regrets the lack of information as to whether individuals whose convictions and sentences have become final can present newly discovered evidence of innocence to the courts or other public authorities (arts. 2 and 6).

23. **Bearing in mind the Committee’s general comment No. 36 (2018), the State party should:**

(a) **Take all steps necessary to remove provision for the death penalty from its laws, including the Constitution;**

(b) **Carry out awareness-raising measures to mobilize public opinion in support of the abolition of the death penalty;**

(c) **Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;**

(d) **Provide a mechanism to enable reconsideration of convictions and sentences on the basis of newly discovered evidence, as recommended by the Committee in its general comment No. 36 (2018), and provide appropriate remedies, including compensation, to those who have been exonerated.**

Extrajudicial killings

24. The Committee is concerned about reports that extrajudicial killings continue to be carried out in the State party, including by police officers. In this regard, the Committee regrets that it has not received sufficient information about the measures taken to combat and prevent such crimes. In addition, the Committee is concerned that the alleged extrajudicial killings that occurred between 2002 and 2006 have not been adequately investigated and prosecuted and that the perpetrators were not duly sanctioned. In this regard, the Committee is concerned that no substantive progress has been made to establish a presidential commission of inquiry to investigate allegations of extrajudicial killings during that period, despite the Government’s announcement of such a plan in 2018 (art. 6).

25. **The State party should ensure that all allegations of extrajudicial killings are promptly, impartially, transparently and thoroughly investigated; that perpetrators are prosecuted and, if convicted, that penalties commensurate with the gravity of the crimes are imposed on them; and that full reparation is provided to victims’ families. It should, as a priority, establish a presidential commission of inquiry to investigate alleged extrajudicial killings committed between 2002 and 2006. The State party should take all measures necessary to prevent extrajudicial killings in the future.**

Environmental degradation caused by pollution and climate change

26. While welcoming the State party’s ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), the Committee is concerned about reports of inadequate implementation of environmental regulations, including the Environmental Protection Act, and the lack of detailed information on the effective role of the Environmental Protection Agency in the implementation of those regulations. The Committee is also

concerned about limited access to environmental information and the lack of effective consultation and meaningful participation by the most disadvantaged groups, including Amerindians and fishery-dependent communities, on whom pollution and climate change have a direct impact, in decision-making processes. The Committee is further concerned about the prevalence of illegal mining activities, which contribute significantly to desertification, and about the lack of a thorough assessment of the environmental impact of such activities by the Environmental Protection Agency. It is concerned about the negative effects of the water pollution and air contamination caused by these activities, as well as the poor management of hazardous waste, and their impact in the form of environmental health conditions, such as abnormal childbirths, fatigue and memory loss. It is also concerned about reports of the hazards posed by mercury contamination and poisoning from mining activities in inhabited areas, in particular areas inhabited by Indigenous Peoples (arts. 6, 17 and 19).

27. In the light of paragraph 26 of its general comment No. 36 (2018), the State party should:

(a) **Enhance the ability of the public to participate meaningfully in environmental decision-making and their access to information, in particular for Amerindians and fishery-dependent communities, including with regard to air and water quality, laws, regulations, policies, permit applications and decisions, pollution data and enforcement action;**

(b) **Redouble its efforts to address water pollution and air contamination, improve waste management, improve the framework for ensuring compliance with relevant regulations and regulate the maximum permissible concentrations of air and water pollutants;**

(c) **Revise the legal framework governing social and environmental responsibility and the legal regime and regulatory standards applicable to mining activities, including by private foreign companies, to impose on them an obligation to exercise due diligence to identify risks of violations of the rights protected by the Covenant, prevent and mitigate such risks and prevent violations of those rights.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

28. The Committee is concerned about the absence of specific legislation that expressly defines and criminalizes torture and other ill-treatment. It is also concerned about reports of widespread torture or ill-treatment of persons deprived of liberty, including of: (a) torture and ill-treatment carried out to extract confessions during investigations; and (b) sexual violence, including the rape of detainees by police officers. The Committee regrets the low rate of criminal investigations, prosecutions and convictions resulting from such allegations. It also regrets the lack of information regarding investigations into allegations of wrongdoing in cases in which the Police Commissioner blocks such allegations from reaching the Police Complaints Authority (art. 7).

29. The State party should take all measures necessary to end the practice of torture and ill-treatment, in line with the Covenant and international standards. In particular, it should:

(a) **Urgently adopt anti-torture legislation and ensure that it contains a definition of torture compliant with international law;**

(b) **Conduct prompt, thorough, transparent and impartial investigations into all allegations of torture and inhuman or degrading treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the severity of the crime, and that victims are provided with full reparation, including rehabilitation and adequate compensation;**

(c) **Consider strengthening the mandate of the Police Complaints Authority to ensure that it is empowered to investigate all cases of torture and ill-treatment**

effectively and independently, including to initiate investigations on its own motion in response to allegations of such abuse;

(d) Provide all law enforcement officers, prison personnel and other public officials with mandatory training covering international norms on the prevention of torture, including the Principles on Effective Interviewing for Investigations and Information-Gathering.

Treatment of persons deprived of liberty and conditions of detention

30. While recognizing the efforts of the State party to address overcrowding in prisons, the Committee is concerned about the harsh and life-threatening conditions in prisons, which include severe overcrowding, physical abuse, lack of access to adequate medical care, potable water and sanitary conditions, and limited natural light. It is also concerned about reports of the lack of transparency, accountability and independence of prison visiting committees, which are mandated to regularly inspect prisons and investigate prisoners' complaints (arts. 6, 7, 9, 10, 14 and 26).

31. The State party should ensure that conditions of detention are in compliance with relevant international human rights standards. In particular, the State party should:

(a) Harmonize laws and policies on the detention of prisoners with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(b) Take immediate measures to significantly reduce overcrowding in prisons, including through the wider application of non-custodial measures as an alternative to imprisonment, as outlined in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);

(c) Improve conditions of detention, and ensure adequate access to health care, clean water and natural light for persons held in all places of deprivation of liberty;

(d) Facilitate independent, effective and regular monitoring of all places of detention without prior notice and on an unsupervised basis, including by establishing an independent mechanism to monitor prison conditions and providing mandatory training for relevant law enforcement officers, as well as for judges, prosecutors and other legal professionals, regarding the prevention of deaths in custody.

Liberty and security of person

32. The Committee is concerned about the widespread practice of arbitrary and unlawful arrest by police officers, leading to subsequent unlawful detention, including of minors. It regrets the lack of information provided about the number of investigations, convictions and sentences following complaints of arbitrary and unlawful arrest and detention. Moreover, it notes with concern the absence of a restitution system for individuals falsely imprisoned or detained without bail for extended periods. In addition, the Committee remains concerned about the high number of pretrial detainees and remand prisoners, who are often deprived of liberty for unduly prolonged periods of up to three years, and the fact that detainees are not always separated depending on their detention regime (arts. 9 and 14).

33. The State party should:

(a) Ensure that all detainees enjoy full legal and procedural safeguards in accordance with the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person;

(b) Take all measures necessary to prevent the practice of arbitrary and unlawful arrest, especially of minors. It should immediately release those who are unlawfully detained, conduct thorough, independent investigations into those cases without delay, bring the suspected perpetrators to justice and provide effective remedies to the victims;

(c) Ensure that all victims of arbitrary detention have access to an effective remedy and receive adequate compensation, restitution and rehabilitation;

(d) **Ensure that pretrial detention is reasonable and necessary, is based on individual circumstances and is judicially reviewed on a regular basis and that detainees are held only at official detention facilities, and encourage the application of non-custodial alternative measures as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(e) **Take the measures necessary to ensure the separation of remand detainees from those serving a prison sentence.**

Juvenile justice

34. The Committee notes that the State party has raised the age of criminal responsibility from 10 to 14 years. However, it is concerned that children between 16 and 18 years of age who are in conflict with the law are excluded from the juvenile justice system and are tried as adults. It is also concerned about the lack of legal guarantees to ensure that the deprivation of liberty of children is used only as a measure of last resort and for the shortest possible period (arts. 7, 9, 10 and 24).

35. **The State party should ensure that its juvenile criminal justice system upholds the rights set forth in the Covenant, including the right of children in conflict with the law to be treated in a way that will promote their integration into society. The State party should also ensure that detention and incarceration are used only as a last resort and that, in any case, children are separated from adults.**

Elimination of slavery, servitude and trafficking in persons

36. The Committee welcomes the State party's efforts to prevent and combat trafficking in persons and child labour. However, it is concerned about the continued prevalence of trafficking in persons and child labour, particularly in rural and hinterland areas. It is also concerned about reports of the engagement of children in hazardous work, including among Amerindian communities. The Committee regrets the absence of detailed information on the number and situation of children in street situations, who are at the greatest risk of violence and are vulnerable to sexual exploitation. The Committee notes the State party's efforts to guarantee the right to identity from birth. However, it is concerned about reports of continuing difficulties in the registration of births and the delivery of birth certificates in the interior of the State party, which increases children's vulnerability (arts. 2, 7, 8, 24 and 26).

37. **The State party should:**

(a) **Strengthen its efforts to combat, prevent, eradicate and punish trafficking in persons by, inter alia, improving the early identification of victims, providing for the effective prosecution and punishment of perpetrators of trafficking in persons, with particular attention paid to public officials, and ensuring that victims receive reparations;**

(b) **Strengthen prevention and awareness-raising campaigns and training aimed at public officials and other persons responsible for investigating and prosecuting cases of trafficking in persons, and ensure that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing the offence;**

(c) **Redouble its efforts to combat and eradicate child labour, in particular the engagement of children in hazardous work, including by increasing labour inspections;**

(d) **Take urgent and appropriate steps to identify the root causes of the phenomenon of children in street situations, develop programmes to address those causes, provide shelter for children in street situations, identify, compensate and assist victims of sexual abuse and bring those responsible to justice;**

(e) **Continue its efforts to ensure that all children born in its territory are registered and receive an official birth certificate, including by streamlining birth registration in the interior of the State party through, inter alia, local registry offices, mobile units and outreach programmes.**

Treatment of aliens, including refugees and asylum-seekers

38. The Committee notes the challenges faced by the State party owing to the influx from neighbouring countries of a high number of asylum-seekers and persons in need of international protection, as well as the measures taken by the State party to assist them. However, the Committee is concerned about the absence of a national refugee law and asylum procedure. The Committee is deeply concerned about the vulnerable situation of asylum-seekers, those in need of international protection and refugees in the State party, including those arriving from Haiti and the Bolivarian Republic of Venezuela, in particular with regard to the obstacles to the acquisition of legal status and access to basic social services, as well as the imposition of visa restrictions on Haitians. It is concerned about the absence of legal provisions recognizing the principle of non-refoulement. The Committee notes that the State party has not yet ratified the international instruments relating to the protection of refugees and asylum-seekers. The Committee is concerned about the legislation on the acquisition of nationality, which prohibits Guyanese citizens born abroad from handing down Guyanese nationality to their children, causing them to become stateless (arts. 2, 6, 7, 9, 10, 13 and 26).

39. **The State party should:**

(a) **Adopt, without delay, national legislation to protect the rights of refugees and asylum-seekers and to introduce relevant procedures in compliance with the Covenant and other international norms and standards;**

(b) **Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, including reviews of rejections by an independent judicial body, in particular on appeal;**

(c) **Redouble its efforts to regularize the situation of persons in need of international protection, in particular by securing their legal status, and provide access to formal employment and basic services, while responding to the specific needs of those in a vulnerable situation;**

(d) **Consider reviewing its nationality legislation to guarantee that no children, including those of Guyanese parents born abroad, can become stateless;**

(e) **Consider ratifying the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Access to justice, independence of the judiciary and right to a fair trial

40. The Committee is concerned about the role of the executive and the legislature in the appointment of members of the judiciary, in particular the Chancellor and Chief Justice, who are appointed directly by the President after obtaining the agreement of the leader of the opposition in accordance with article 127 of the Constitution, and judges, who are appointed by the President after consultation with the Judicial Service Commission. The Committee is also concerned that members of the Judicial Service Commission are appointed by the President after consultation with the leader of the opposition. The Committee is further concerned about the reported practice of appointing “acting judges”, which does not guarantee the independence of the judiciary or its competence. While noting the information provided by the State party on the progress made in reducing the number of civil cases, the Committee remains concerned about the considerable backlog of cases, in particular of criminal cases, resulting in lengthy pretrial detention, which is exacerbated by delays in the appointment of judges. Furthermore, the Committee is concerned about reports of limited access to free legal aid for people living in rural areas and members of Indigenous communities (arts. 2 and 14).

41. **The State party should take all measures necessary to reform the justice system. To this end, it should:**

(a) **Take the measures necessary to safeguard the independence and impartiality of the judiciary, including by ensuring that the procedures for the selection,**

appointment, promotion, sanction and removal of judges are transparent and impartial and comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary;

(b) Adopt a comprehensive strategy to address the backlog of cases, in particular criminal cases, throughout the judiciary, and ensure the right to a fair trial without undue delay, in accordance with article 14 of the Covenant and the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial;

(c) Expand the provision of free legal aid by strengthening the financial and human capacity of legal aid centres to facilitate access to justice for all, including those living in rural areas and Indigenous communities.

Freedom of expression

42. The Committee notes with concern reports of harassment, intimidation and defamation lawsuits against journalists, media workers and human rights defenders, including environmental defenders, aimed at discouraging them from freely expressing their opinions, and the inadequacy of existing safeguards for addressing such issues. The Committee is concerned about the chilling effect that criminal defamation laws and the Cyber Crime Act 2018 have on freedom of expression in Guyana. The Committee is also concerned about the President's power to appoint the members of the Guyana National Broadcasting Authority and its reported lack of independence and impartiality in regulatory and licensing decisions (art. 19).

43. The State party should take immediate measures to ensure that everyone can freely exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and that any restrictions on the exercise of that right comply with the strict requirements of article 19 (3) of the Covenant. In so doing, the State party should:

(a) Effectively prevent and combat acts of harassment and intimidation of journalists, media workers and human rights defenders, including environmental defenders, to ensure that they are free to carry out their work effectively and without fear of reprisals;

(b) Review and revise the current Cyber Crime Act 2018 to avoid the use of vague terminology and overly broad restrictions and ensure its conformity with the Covenant;

(c) Consider decriminalizing defamation, and restrict the application of criminal law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation;

(d) Take the measures necessary to ensure that the Guyana National Broadcasting Authority performs its functions in an independent, transparent and impartial manner.

Participation in public affairs

44. While welcoming the amendment of the Representation of the People Act in 2022, which introduced improvements to the electoral process, the Committee remains concerned that the electoral system is exacerbating the existing ethno-political polarization between the two main ethnic groups and contributing to the political marginalization of other ethnic groups and Indigenous Peoples. Furthermore, the Committee is concerned about the partisan structure of the Guyana Elections Commission, which excludes members of other parties and Indigenous Peoples, impeding it from effectively and independently implementing its mandate. It is also concerned about reports that persons with disabilities are not adequately included, supported and trained to exercise their right to vote and that prisoners and pretrial detainees continue to be deprived of their voting rights in practice (arts. 2, 25 and 26).

45. **The State party should:**

(a) **Review and revise the electoral system to guarantee full compliance with the Covenant, in particular article 25, and in the light of the guidelines for States on the effective implementation of the right to participate in public affairs, to ensure equal enjoyment of the right to participate for all citizens, irrespective of ethnicity, and to eliminate any unclear or vague provisions in the electoral regulations that may impede the system's transparent and fair operation;**

(b) **Take all the measures necessary to ensure that the Guyana Elections Commission is impartial and independent of political parties and is able to exercise its role as a guardian of democratic pluralism;**

(c) **Ensure that voting rights are made accessible to all citizens, including persons with disabilities and persons deprived of their liberty.**

Rights of Indigenous Peoples

46. Although appreciating the information provided by the State party regarding laws and procedures to protect Indigenous Peoples in Guyana, the Committee echoes the concerns of the Committee on Economic, Social and Cultural Rights⁷ and the Committee on the Elimination of Discrimination against Women⁸ about the insufficient recognition of the right of Indigenous Peoples to the lands and territories that they have traditionally occupied, owned or used and the lack of progress made to introduce the necessary amendments to the Amerindian Act. Furthermore, the Committee is troubled by reports of inadequately regulated mining activities in the areas inhabited by Amerindians, as such activities have adversely affected the demarcation of their traditional lands, caused environmental degradation and threatened their health and traditional way of life. The Committee is concerned about credible reports of the inadequate participation of and consultations with affected Indigenous Peoples, including Wapichan communities, to obtain their consent for the granting of exploration and resource development licences in their traditional territories (arts. 1, 2 and 25–27).

47. **The State party should expedite the process of revising the Amerindian Act 2006 to ensure that the rights of Indigenous Peoples to occupy, own, use and develop their traditional lands, territories and resources are fully respected and that the revised provisions are effectively applied in practice. The State party should expedite the demarcation and titling of the collective lands of Indigenous Peoples, including by improving the accessibility and efficiency of the title-granting process for Amerindian communities. The State party should ensure the necessary participation of Indigenous Peoples and that the necessary consultations are held with Indigenous Peoples to obtain their free and informed consent before the adoption of any legislation, policy or project affecting their lands or territories and other resources.**

D. Dissemination and follow-up

48. **The State party should widely disseminate the Covenant, its third periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.**

49. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 29 March 2027, information on the implementation of the recommendations made by the Committee in paragraphs 5 (constitutional and legal framework within which the Covenant is implemented), 41 (access to justice, independence of the judiciary and right to a fair trial) and 47 (rights of Indigenous Peoples) above.**

⁷ E/C.12/GUY/CO/2-4, paras. 14 and 16.

⁸ CEDAW/C/GUY/CO/9, para. 43.

50. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.
