



Discrimination in the Enjoyment of Economic, Social and Cultural Rights in Guyana

A Joint Submission to the
Inter-American Commission on Human Rights

154th Period of Sessions of the
Inter-American Commission on Human Rights

March 20, 2015, Washington DC

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ACRONYMS

ERC	Ethnic Relations Commission
GOIP	Guyanese Organization of Indigenous Peoples
LGBTI	Lesbian, gay, bisexual, transgender, intersex
NGO	Non-governmental Organisation
S4 Foundation	Sisterhood of Support, Services and Sustainability
SASOD	Society Against Sexual Orientation Discrimination

Introduction

This report seeks to highlight substantive issues surrounding Discrimination in the Enjoyment of Economic, Social and Cultural Rights in Guyana, prepared for the 154th Period of Sessions of the Inter-American Commission on Human Rights (IACHR).

The goals of the session are to: (1) expose discrimination faced by vulnerable groups in the field of economic, social and cultural rights; (2) focus on these violations against women, indigenous peoples, LGBTI persons, persons with disabilities and people living with HIV; and (3) recommend actions the state party should take to address discrimination in the enjoyment of economic, social and cultural rights affecting these groups.

There is a growing international consensus that discrimination is inextricably linked to poverty, and that the prohibition of discrimination is a fundamental and necessary component of any effort to reduce poverty and ensure sustainable development. Thus, by adopting an approach focused on discrimination in the enjoyment of economic, social and cultural rights, this report will present recommendations on implementing poverty reduction and sustainable development strategies. In particular, by challenging discrimination in education, employment, healthcare, social services and other areas of socio-economic life, the petitioners aim to assist those most at risk of falling into, or being unable to escape, poverty and marginalization.

In order to advocate for legislative and policy reform which will better protect individuals from discrimination in the enjoyment of their economic, social and cultural rights, this report aids in strengthening the evidence base by illustrating the failures of the current system. Such an evidence base is needed in order (i) to show that there is widespread discrimination in particular areas of life and against certain groups which, despite enjoying protection under the existing legal framework nevertheless continue to suffer in practice, and (ii) to identify the particular areas of life and particular groups most in need of protection but which are not included within the existing framework, and which should therefore be addressed by any future legislative and policy reform. Further, for some groups, the documented evidence of discrimination they face has largely focused on civil and political rights, rather than economic, social and cultural rights. This report aims to contribute to filling that evidentiary gap.

The petitioners will focus on the following specific issues in their presentations:

- Gender discrimination, violence and its socio-economic effects on women in Guyana;
- Discrimination in the socio-economic and cultural life of Guyana's indigenous peoples;
- Right to Language and Education for Deaf Persons in Guyana; and
- Discrimination and the Right to Work for LGBT Persons in Guyana.

Gender discrimination, violence and its socio-economic effects on women in Guyana

The Guyana Constitution states that women and men have equal rights and the same legal status in all spheres of life in Guyana. This report will share evidence utilizing public news reports and reports of cases made to the S4 Foundation that show Guyana has a long way to go despite having protective legislation - Domestic Violence Act 1996, Sexual Offences Act 2010 and Prevention of Discrimination Act 1997.

Women and girls continue to suffer in all spheres of life from issues of maternity health, domestic violence, teenage pregnancy, trafficking in persons, rape, murder, and sexual harassment in the workplace. Discrimination due to HIV and gender status in the workplace continues to disproportionately affect the economic, social and cultural rights of women and girls.

Guyana remains in the top 5 in the Caribbean and the Americas for the highest maternal mortality rate, has the second highest rate of teen pregnancy in the Caribbean and the highest rate of teen suicide. The S4 Foundation has reports on record of women not knowing their rights as citizens and more often than not they are not economically empowered to afford legal services to fight their cases. They continue to be severely affected by the stigma associated with being raped and or HIV positive. This affects their willingness to access health care services, medical attention and legal advice.

In a local media report dated March 6, 2015, Elizabeth Zechmeister of the Latin American Public Opinion Project commented on a recent set of surveys from 2006 - 2014 conducted on thousands of Guyanese. She said the responses of the survey indicated a high level of acceptance of domestic violence when compared to the Americas. The data shows that Guyana was ranked 3rd with 35.6% in interviewed countries on acceptance of Domestic Violence. El Salvador is at 42.1% and Guatemala is ranked highest at 58%.¹

Margaret Kertizous, Coordinator of Help & Shelter, one of the Guyana Equality Forums partner organizations, said “Domestic violence is perceived to be a normal activity in the Guyanese culture”. This is a key obstacle in the enjoyment of economic, social and cultural rights for women. She noted that persons were constantly seen fighting even on the street and she deemed the society an abusive one.

Women are psychologically disempowered, have their confidence stripped and their education stopped after being exposed to violence and discrimination. S4 Foundation has received monthly direct reports of persons who are beaten but receive no protection from the police. They are often told that they deserve the “licks”.

More far reaching protection for economic, social and cultural rights can be done for the women and girls in Guyana. In The 2012 Human Rights report on Guyana the United States Government said domestic violence and violence against women including spousal abuse was widespread and crosses

¹ [Int'l survey shows Guyana's police least trusted in entire region](#): Kaieteur News, March 6, 2015.

racial and socioeconomic lines.² Court records from 2013 show of 279 cases filed only 143 persons were convicted.

Dr Vivienne Mitchell, Consultant Anesthetist, attached to the Georgetown Public Hospital Corporation said it is believed that two thirds of women suffer from domestic violence are attended to by health officials however this figure could represent a significant shortfall of the actual cases. S4 has received reports of fear of reporting because the abuser may have contacts in the police force, threats of intimidation, shame, lack of faith in the justice system and bribing the police. This combined with lack of data and proper record keeping means we cannot accurately track prevalence rates but the violence is severely unreported.

Based on this information S4 recommends that the state give specialized ongoing procedural and sensitivity training to police for dealing with survivors of violence. The government can create a programme to hire and train counselors in ministries and schools that will protect the confidentiality of the children exposed to all forms of violence.

The Child Protection Act and National Childcare and Protection Policy must be strengthened to address lesbian, gay, bisexual and transgender (LGBT) children whose needs are currently not being met. The S4 Foundation has additionally received reports of girls being transported in trucks, stopped at checkpoints, taken into the station for sexual services by the police then returned to the trucks and sent on their way.

S4 would be happy to work with the government to create sustainable spaces across the country for women and girls who are homeless and abused, which allows them to access food, clothing, counseling, education, medical care and psychological treatment.

Finally, national programmes on domestic violence should be created and implemented in schools in partnership with civil society organisations.

² US State Department [2012 Human Rights Report on Guyana](#)

Discrimination in the socio-economic and cultural life of Guyana's indigenous peoples

One issue of grave concern to the Guyanese Organization of Indigenous Peoples (GOIP) and other civil society groups in Guyana is the trafficking of indigenous girls and women, particularly those aged 15 – 30 years old. The human rights of these girls are repeatedly violated as they are often lured or conned into high-paying jobs, most notably to some gold-mining camps of Regions 7, 8 & 1; others are trafficked to provide all kinds of services for businesses such as liquor restaurants in the densely-populated coastal belt. The trafficking in persons (TIP) trade is also cross-border involving Guyana, Venezuela, Brazil and Suriname.

There's also evidence to suggest discrimination against indigenous girls, in the form of ethnic profiling that has indigenous girls as prime targets for the sexual lusts of gold-miners. One solution to this scourge must be the provision by Guyana's authorities of resources to have young indigenous girls trained in self-defense and anti-rape martial arts techniques. Also, Guyana's authorities must work with relevant civil society groups to collaboratively develop programmes to address the issue of human trafficking in hinterland communities.

Guyana's first peoples continue to be at the receiving end of forms of cultural genocide, especially in areas such as the loss of traditional languages. In this regard, the Carib, Warau and Lokono languages continue to be threatened with extinction. Guyana's authorities must provide resources to save these languages, and also add this to the curriculum of the schools in indigenous areas.

Descendants of Guyana's original inhabitants continue to experience very low self-esteem as a result of constant ethnic abuse by other ethnicities. This is an assault on a peoples' social and cultural integrity. The slur "Bok people" or "Bok and people" is often used to further denigrate this group that's already on the fringes of society. Guyana's authorities need to put systems in place to stop this stereotyping of its first peoples. The Ethnic Relations Commission (ERC) needs to be strengthened to further deal with this issue. Already, some GOIP members have been responding to such attacks with words such as "Thanks for praising me for my ability to run fast". This is intended to educate persons with defamatory prejudices that the early Dutch colonizers' reference to "bok" or the "wild deer" to describe the great sprinting ability of indigenous Guyanese throughout the forests was actually meant as a compliment, not an insult. In closing, Guyana's authorities are signatories to conventions that safeguard against discrimination in the areas of economic, cultural and social rights of all citizens, including vulnerable groups which include its first peoples. The GOIP and other advocacy groups will continue to ensure such agreements are honoured in future years.

Right to Language and Education for Deaf Persons in Guyana

Universally the right to language is inalienable. Sign Language then, the first language of the deaf, is their inalienable right.

Over ninety percent of deaf children are born into hearing families and are therefore deprived of early language development - which we know is a crucial stage in child development. There is need then, for this and other reasons, for early intervention for every deaf child.

Unhappily, the lack of data on the incidence of deafness in Guyana is a major set-back in this respect. For example, as of January 2015, neither the Regional Health Officer nor the Regional Education Officer of that Region had knowledge or record of a deaf child, youth or adult in their Region. (Deaf Association of Guyana, Field Visit, January 2015)

Nursery and primary years are the time when children develop their identity and establish their values - through academic achievement and involvement in social and cultural activities. How does this work for the deaf child?

In Guyana deaf children are educated in four public special needs schools, which they share with intellectually impaired children - the only exception being the Tuschen Deaf Academy, a small but budding deaf-only school established by the Deaf Association of Guyana (DAG) two years ago. Special needs schools are not provided the special resources that would be needed to meet their students' special needs - which, for the deaf, would include first and foremost the teaching in and the teaching of sign language. There is also need for appropriate materials and equipment and the application of best-practice deaf education methodology.

Sadly, at present there is no official sign language programme for teachers of the deaf, neither is it a requirement, neither is there a programme for deaf persons to become teachers, who are, as is well documented, most effective in teaching the deaf.

These serious shortcomings in the education of the deaf in Guyana **MUST** be held responsible for the dismally low level in English literacy - English being a deaf person's second language - and other core subjects among deaf school leavers.

In the wider community this poor level of 'education' reinforces the still widely held belief, even among family members, that deaf people are not only deaf but also dumb. There is evidence galore that this is not so, but that the educational level of school leavers is in direct relation to the quality of teaching during their school years and indeed their pre-school years.

Further, zooming in on the economic aspect, the above is a severe hindrance in deaf youth' efforts to access vocational training and employment; and this is an ongoing painful issue for the Deaf Association, as they seek to respond to the many requests for help in this respect.

The Deaf Association of Guyana, a registered NGO and an associate member of the World Federation of the Deaf, has since its inception in 2008, successfully initiated and maintained a wide range of programmes in support of deaf development, in and out of schools.

The Deaf Association of Guyana is anxiously seeking a more intensive partnership with the state - beyond the current level of collaboration - in order to move speedily towards equality for the Deaf.

Discrimination and the Right to Work for LGBT Persons in Guyana

It is an indisputable fact that the state party of Guyana discriminates against lesbian, gay, bisexual and transgender (LGBT) people in law and policy. Sections 351 to 353 of the Criminal Law Offenses Act Chapter 8:01 criminalize same –sex intimacy between consenting adult men in private. Cross-dressing is criminalized under section 153 (1) (4) of the Summary Jurisdiction Act Chapter 8:02. Guyana unofficially and actively enforces these inherently discriminatory laws. In May 2006 and February 2010, there were prosecutions for cross-dressing. After a two-day crackdown in February 2009, when at least 7 persons were arrested, detained and fined for cross-dressing, three of the victims and Society Against Sexual Orientation Discrimination (SASOD) filed a constitution suit a year later in September 2013. Acting Chief Justice Ian Chang sitting, as the Constitutional Court, ruled that cross-dressing is not a crime, unless it's for an “improper purpose.” The litigants are appealing the exception made for “improper purpose” as we believe it is vague, uncertain in scope, overly subjective and practically meaningless. Even after this partial “decriminalization” by the courts since September 2010³, the state has taken no real concrete steps to explain these odious provisions from Guyana’s law books.

Police extortion of men who appear to be gay and bisexual continues unabated. SASOD documents many cases of discrimination every year. But social stigma against homosexuality is so strong that complainants are reluctant to test existing redress mechanisms, like the Police Complaints Authority and the Police Service Commission. The stigma of homosexuality is in the allegation itself and these discriminatory laws confer a status of unapprehend criminals on LGBT people for simply being who they are.

These insidious laws and the everyday societal discrimination LGBT people face have a profound impact on the economic, social and cultural life of LGBT people in Guyana. This submission will focus on the one basic socio-economic right – the right to work.

Anti-LGBT discrimination is rampant in the labour market in Guyana – both in the public and private sector. A qualified transgender woman from Berbice reported being mocked and ridiculed after being short listed when called in for an interview for the ministry of Home Affairs the past of forensic support officer in April 2013. SASOD has documented several cases of transphobic discrimination in the private sector - far too many to mention in this brief hearing. Though in denial, the state party is well aware of these reports, having responded to SASOD’s report³ to the Guyana’s Universal Periodic Review session in Geneva in January this year.

While Guyana has good legislation to protect people from discrimination in employment, recruitment, training and membership of professional bodies through the Prevention of Discrimination Act 1997, LGBT people are not protected under this legislation as Section 4 (2) of the 1997 Act lists the protected categories as “race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family, responsibilities, pregnancy, marital status and age, except for the purpose of retirement and restrictions on work and employment of minors and any characteristic which appertain generally or are generally imputed to persons of those

³ “On Devil’s Island: UPR Submission on LGBT Human Rights in Guyana” <http://sasod.org.gy/pdf-devils-island-upr-submission-lgbt-human-rights-guyana>

characteristics.” By a simple amendment to Section 4 (2) to include just 4 words – “sexual orientation, gender identity” - the 1997 Act would extend protection to LGBT people, like the Guyanese transgender woman who experienced discrimination in recruitment by the Ministry of Home Affairs in April 2013.

SASOD reiterates the state has a duty to respect, protect and fulfill human rights for all its citizens. The state violates human rights when it has discriminatory laws on its books and actively enforces them. The state also fails in its responsibility to protect citizens from discrimination by not including “sexual orientation” and “gender identity” in the Prevention of Discrimination Act 1997. Guyana must take urgent action to remedy these deficiencies.

Proposed recommendations to the Government of Guyana:

- S4 Foundation recommends that the state give specialized ongoing procedural and sensitivity training to members of the Guyana Police Force for dealing with survivors of violence.
- Hire and train counselors in schools to deal with children who have been abused or who have witnessed abuse.
- The child protection act and national childcare and protection policy must be strengthened to address LGBT Children whose needs are currently not being met.
- Create sustainable spaces across the country for women and girls who are homeless and abused where they can get access to food, clothing, counseling, education, medical care and psychological treatment.
- Establish and implement national education programmes on domestic violence in schools in partnership with civil society.
- Educate young indigenous girls and communities on human trafficking and how they can prevent it in their communities.
- The Government of Guyana must provide resources to save indigenous languages, and add the languages to the curriculum of the schools in indigenous area.
- The Ethnic Relations Commission (ERC) needs to be strengthened to further deal with issues affecting indigenous communities.
- Strengthen the data collection as it relates to children living with disabilities
- Provide appropriate materials and equipment and the application of best-practice deaf education methodology for special needs schools – especially for the deaf.
- Establish an official sign language programme for teachers of the deaf
- Amend Section 4 (2) of the Prevention of Discrimination Act 1997 to include just 4 words – “sexual orientation, gender identity” to extend protection to LGBT people in the workplace.