

International Disability Alliance (IDA)

Member Organizations:

Disabled Peoples' International, Down Syndrome International,
Inclusion International, International Federation of Hard of Hearing People,
World Blind Union, World Federation of the Deaf,
World Federation of the DeafBlind,
World Network of Users and Survivors of Psychiatry,
Arab Organization of Disabled People, European Disability Forum,
Red Latinoamericana de Organizaciones no Gubernamentales de Personas con
Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant questions to be included in the List of Issues Pre-session Working Group of the CEDAW Committee for the 52nd Session

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State submitted to the Committee on the Elimination of Discrimination against Women.

GUYANA

Guyana signed the Convention on the Rights of Persons with Disabilities on 11 April 2007.

State Report

Selected references to persons with disabilities in the state report:

72. The State Party recognizes the term discrimination as enacted in Article 1 of CEDAW. Article 149 (2) of the constitution defines discrimination to mean affording different treatment to different persons attributable wholly or mainly to their or their parents respective description by race, place of origin, political opinion, color, creed, age, **disability**, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief, or culture, whereby persons of such one description are subjected to **disabilities** or restrictions to which other persons are not made subject or are accorded privileges or advantages which are not afforded to other persons of the same or another description.

100. In 2002 Census, there were 48,419 citizens living with some form of **disability**, accounting for 6.4 percent of the total population. Females outnumber males – with 51.1 percent compared to 48.8 percent disabled males. Of the 42,577 **disabled persons** in working age groups, 22 percent were in the labour force, and 86 percent who sought for work were employed, 14 percent were unemployed. In comparison, 88 percent were employed and 12 percent unemployed among the non-disabled persons. In respect to educational attainment, 7.4 percent (3,483) of the **people with disabilities** currently attended school either full time or part time, and there was no gender disparity in the enrolment rate. The proportion of **elderly females who had disabilities** (56.4 percent) is higher than the males (43.6 percent). Generally, the proportions of impaired females were shown to be higher than males in all disability categories.

101. The GoG has taken special measures to deal with the particular situation affecting **disabled women**, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life. The GoG adopts a rights based approach to **disability**. The Government is committed to ensuring that each **citizen with disability** can enjoy full and equal rights under the law, and be empowered to participate fully in Guyanese society by completing and implementing legislation to provide persons with legal safeguards against discrimination in the workplace, education establishments and medical and

rehabilitation agencies; and improved access to public facilities. The Government recognizes that **disabled women** suffer discrimination both as women and as individuals living with **disabilities**.

102. Article 149(2) of the constitution defines discrimination to mean affording different treatment to different persons attributable wholly or mainly to among other grounds, their or their parents or guardians respective descriptions by disability.

103. A **National Commission on Disability (NCD)**, appointed by the President was first established in 1996, and continues to function. This Commission, an advisory body to the President and funded by the government, includes representation from the NGOs **of persons with disabilities, and has a mandate to promote the rights of people living with disabilities (PLWD) and develop and implement programmes that equalize the opportunities of PLWD**. It liaises with the Ministries of Health, Education and Labour, Human Services and Social Security.

104. The Committee is asked to note that under the **new Persons with Disabilities Bill 2009**, the establishment of a **statutory Commission on Disabilities** is provided for.

105. The Division of Rehabilitation Services under the Ministry of Health (MOH) offers services in audiology, occupational therapy, physiotherapy, and speech therapy. The MOH Prosthetic Workshop provides artificial limbs for persons in need at subsidized costs. In the field of education, several **persons with disabilities** have been able to take up government scholarships to study medicine and other disciplines under the Guyana-Cuba scholarship agreement.

106. In 2007 the GoG signed on to the **UN Convention on Disability** which requires Governments to extend equal care and support programmes for PLWD.

107. The National Health Plan of 2004-2007 included rehabilitation and **disability** as an integral part of the health development agenda. With this in perspective, the Division of Disability and Rehabilitation Services of the Ministry of Health developed the 2004-2008 Strategic Plan and its recent update published in 2010³², with the participation of key stakeholders. The strategic plan aims to develop strategies for the provision of preventative, therapeutic and rehabilitative services to children and adults in need of these services. Under the umbrella of the National Health Plan, the Strategic Plan facilitated the achievement of the health-related objectives of the Poverty Reduction Strategy and the MDG's with respect to increasing accessibility to disability and rehabilitation services for **persons with disabilities** in Guyana.

108. The **Persons with Disabilities Bill 2009** was developed through extensive consultations with all the non-governmental organizations for **persons with disabilities** and state actors. The **Persons with Disabilities Bill** was tabled in the National Assembly in November 2009 and sent to a Parliamentary Special Select Committee for further scrutiny; it concluded its work on April 14, 2010. And it is anticipated that the bill will be enacted by July 2010. This Bill reflects the government's commitment to addressing the **needs of people living with disabilities** and seeks to give protection and provide equal opportunities.

110. Additionally, Organizations like the **Federation of and for Persons with Disabilities**, the Open Doors Vocational Training Centre, the Georgetown Association for the Mentally Handicapped and the Physiotherapy Department of the Georgetown Public Hospital are providing support services for persons with disabilities. The Guyana Disabled Peoples Organisation (GDPO) was established in 2003 and serves as one of the umbrella bodies for the network of **disability organizations** in Guyana.

111. The Guyana Community Based Rehabilitation Programme supported by the Ministry of Health, PAHO and some foreign support has been in existence for 17 years and works with the Rehabilitation Services of the Ministry of Health in strengthening the medical and advocacy capacity of Community Based Rehabilitation groups in regions that did not have any services before.

112. Volunteers from Youth for Development and the VSO Business Partnership work in the areas of physiotherapy, occupational therapy, speech and language therapy, optometry, curriculum development, advocacy, communication and literacy.

113. The GoG/UNICEF Country Programme works with various Ministries and nongovernmental organizations on child protection and persons with disabilities with a focus on children in the school system.

114. The Guyana Para Olympic Committee works with the Disabled Persons NGOs to organize biennial national competitions to promote sport for **persons with disabilities** and lend them official inclusion, recognition and support.

235. The Guyana Sugar Corporation (GUYSUCO) is state owned and is the largest employer in the agricultural sector. It also contributes to the National Insurance Scheme where its female workers are entitled to maternity benefits as well as all other benefits that the men are entitled to such as access to medical care, **disability** or invalidity benefits, compensation or funeral costs. It is to be noted that in 2009, women for the first time outnumbered men in the apprenticeship work programme conducted by GUYSUCO.

Article 12

246. Article 24 of the Constitution of Guyana enacts that every citizen has a right to free medical attention. In the case of old age and **disability**, the right to social care is guaranteed.

General recommendation 19 - Violence against women

363. In line with its international law obligations, the Government of Guyana has undertaken steps to prevent, investigate and punish violence against women and to render assistance to the victim. It recognizes that violence against women leads to physical injury, transmission of sexually infected disease (STI's) including HIV/AIDS, emotional injury, psychological trauma, post-traumatic stress disorder, **disability**, and loss of life.

439. Under the Prevention of Discrimination Act of 1997, it is unlawful to induce, attempt to induce, a person to do any act which contravenes protection against discrimination in employment or for promotion of equal remuneration under Part III as well as part IV of the Act. This is through providing or offering to provide the person with any benefit, subjecting or threatening to subject the person to any detriment. The Act further does not prejudice a victim from seeking compensation in a civil matter. Part II provides for prohibited grounds of discrimination in employment. These grounds also extend to any characteristic which appertains generally or is generally imputed to persons. These include: race, sex, religion, color, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, **disability**, family responsibilities, pregnancy, marital status, or age except for purposes of retirement and restriction on work and employment of minors. Further the Act enacts that the mens rea does not have to be proved since any act or omission or any practice or policy that directly or indirectly results into discrimination against a person on the prohibited grounds as an act of discrimination regardless of whether the person responsible for the act or omission or the policy intended to discriminate.

IDA suggestions for list of issues

- What steps are being taken to repeal restrictions in the Constitution (Articles 155(1) and 159(3)) which disqualify persons with actual or perceived mental disability from the right to vote and to participate in public affairs on an equal basis with others in violation of Article 29 of the CRPD, which comprises the latest international standards with respect to participation in political and public life of persons with disabilities including women with disabilities?

- What steps are being taken to address multiple discrimination experienced by women with disabilities? Please provide details of the number and subject(s) of discrimination cases (and their outcomes) filed by women with disabilities, or representative associations on their behalf.
- What programmes are in place to ensure that women and girls with disabilities are able to choose for themselves their vocation and to receive the necessary educational support and training to that end? What laws and policies provide reasonable accommodation to women with disabilities in the workplace?
- What steps are being taken to reform the law to ensure that women with disabilities exercise legal capacity on an equal basis with others and are provided with necessary support to exercise it, respecting the will and preferences of the person concerned?
- What steps are being taken to adopt measures to ensure that the mental health policy requires all health care and services to be based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What steps are being taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?
- What measures are being taken to guarantee the implementation of inclusive education in the law and practice? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. (See recommendation of the CRC Committee, CRC/C/15/Add.224, 2004, para 40 in Annex below)
- What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (See recommendation of the CRC Committee, CRC/C/15/Add.224, 2004, para 17 in Annex below)
- What steps are being taken to ratify the Convention on the Rights of Persons with Disabilities?

ANNEX - References to women and girls with disabilities in Guyana by other treaty bodies:

CRC Committee Concluding Observations, CRC/C/15/Add.224, 2004

Data collection

16. The Committee is concerned at the lack of disaggregated and adequate data on persons under the age of 18 years in all areas covered by the Convention, including the most vulnerable groups, children living in poverty, children living in rural areas, children with disabilities, Amerindian children and street children.

17. The Committee recommends that the State party modernize and strengthen its system for collecting disaggregated data as a basis to assess progress achieved in the realization of children's rights and to help design policies to implement the Convention. In this regard, it also recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF), the United Nations Population Fund and other appropriate regional mechanisms, including the Inter-American Children's Institute.

Non-discrimination

22. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and vulnerable groups of children, including children living in poverty, Amerindian children and children with disabilities, and that the Constitution does not prohibit discrimination on the grounds of disability.

Children with disabilities

39. The Committee notes with appreciation the formulation of a National Policy on the Rights of People with Disabilities in 1997 and the establishment of its monitoring body, the Commission on Persons with Disabilities. However, the Committee remains concerned at the societal discrimination experienced by children with disabilities, the inaccessibility of buildings and transportation for them, the absence of an inclusive policy and the situation of children with disabilities in remote areas who are doubly disadvantaged.

40. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of the children with disabilities (CRC/C/69, paras. 310-339), the Committee recommends that the State party ensure that the National Policy on the Rights of People with Disabilities addresses children's rights, taking into account the provision for non-discrimination, accessibility to all services, including public buildings and transportation, and integration into mainstream education and that it specifically addresses the situation of children in remote areas.