

Mandates of the Working Group of Experts on People of African Descent; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL GUY 1/2023

(Please use this reference in your reply)

27 March 2023

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to development; Special Rapporteur on the right to education; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on freedom of religion or belief; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 45/24, 46/9, 51/7, 44/3, 44/5, 43/4, 51/21, 43/14, 43/8, 43/36, 49/5, 50/10, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the delicate and deteriorating situation of human rights of people of African descent in Guyana, who live on the fringes of society and suffer from numerous violations of their fundamental rights.

According to the information received:

People of African descent in Guyana are subject to social, economic and cultural marginalization, which leads to subsequent disparities in all areas of life, including education, employment, social security, access to justice, infrastructure, housing, access to adequate healthcare, access to a clean, healthy and sustainable environment, freedom of movement and personal integrity. Afro-Guyanese women often face inequalities and multiple forms of discrimination on the grounds of their race, colour, gender and religion or belief. In turn, the need to endure these challenges, in a vicious cycle, makes it more

difficult to correct the wealth gap that exists between the Afro-descendant population and the rest of Guyanese society.

This is particularly worrying considering the findings and recommendations formulated by the Working Group on People of African Descent following its visit to Guyana conducted from the 2nd to the 6th of October 2017.¹ The visit aimed at assessing the situation of human rights of people of African descent living in Guyana, and gathering information on any forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance that they were facing at the time.

According to information received, serious concerns identified by the Working Group of Experts of People of African Descent in its report on the visit to Guyana persist and have even worsened since the People's Progressive Party (PPP/C) returned to power in 2020. According to information received, the Guyanese political landscape is divided between the PPP/C, which draws support primarily from the Indo-Guyanese community, and the People's National Congress Reform (PNC-R), which draws support mainly from the Afro-Guyanese population. We are concerned about the possible impact of such political divide on the human rights situation of Afro-Guyanese.

According to information received, Afro-Guyanese continue to live in separate areas, usually far from the rest of the population and often the least urbanized. These regions of the country are characterized by the inadequacy of infrastructure, substandard housing, roads and services, homelessness, inadequate social programmes to assist low-income families, remoteness from universities and other services required for their personal and economic development, as well as from fundamental health services.

Relegated to these remote and residual areas, they still do not own or enjoy the land to which they should be entitled. It is a long-standing issue, rooted in the forced, illegal and uncompensated evictions that, pursuant to Ordinance 1 and 4 of 1866 and 1883, deprived people of African descent from the lands they had bought in the aftermath of their liberation from slavery. In more recent times, the Government has continued excluding them from the distribution of state-owned commercial lands and has encouraged Indo-Guyanese squatters to occupy the lands legally owned by Afro-descendant Guyanese and forcibly evicted them. While the Government in 2017 took some steps to assess and re-balance the land's distribution in the country, the Afro-Guyanese population still faces land scarcity and, as a result, is prevented from benefitting from the natural resources and the economic growth connected to them.

According to information received, since 2020, several actions have been taken in the city of Linden, where the population is predominantly Afro-Guyanese, which put the local population at a disadvantage. These include the following actions:

¹ Report issued by the Working Group on People of African Descent, published on 15th August 2018, following to the country visit to the State of Guyana and delivered to the Human Rights Council at its 39th session ([A/HRC/39/69/Add.1](#)).

- The operations of the Linden Enterprise Network (LEN), which provided business development support to hundreds of residents of the Linden and the Administrative Region, have been suspended and the grants in support to the development of new businesses in Linden have been frozen without publicly stated reason.
- Ministry of Health abruptly and without publicly stated reason, decided on the closure of the School of Nursing in Linden, depriving the young Afro Guyanese who were already admitted to the School of educational and future employment opportunities.
- The contracts of over 20 nurses working for the Red Cross-affiliated St John's Ambulance Brigade were suddenly terminated by Government's intervention, after decades of work.
- Similarly, 20 Lindeners of African descent were abruptly fired from the National Data Management Authority.
- Dozens of other Afro-descendant employees lost their job as the result of the Government's decision to move the Community Infrastructure Improvement Project away from the Municipality's competence to the Regional Democratic Council's competence.
- The municipality of Linden has also been confronting scarcity and delays in receiving the economic resources owed from the Government and already approved.
- A significant disparity has been reported in the allocation of public funds between Linden and other municipalities predominantly inhabited by Indo-Guyanese. For instance, it was reported that US\$45,000 (G\$9,000,000) had been budgeted for an agro-processing facility in Linden, while US\$36,500,000.00 (G\$7.3 billion) had been allocated for Enmore, a predominantly Indo-Guyanese community.
- The Government transferred 70% of the public contracts, originally linked to Linden and Region 10, to private businesses registered outside of Linden.

According to the information received, the Government has failed to prevent the polarisation of society and to address racist prejudices against Afro-Guyanese. The Government has not addressed racist comments and discriminatory practices by ministers and other government officials, availing the general impunity that accompanies – and fuels – racist speeches and assaults in the society at large. Furthermore, the Ethnic Relations Commission was removed from the portfolio of the Ministry and has not been re-established yet.

In addition, the Afro-descendant population has been left behind in the award of state assets and natural resources, including oil, gold and other mineral concessions. Of the nine oil blocks awarded by the State, six have been assigned

to companies of Indo-Guyanese entrepreneurs and none of them were granted to Afro-Guyanese companies.

According to information received, the distribution of emergency relief grants for the Covid-19 pandemic was unevenly distributed to the detriment of Afro-Guyanese communities.

Afro-Guyanese villages did not receive appropriate support for rebuilding infrastructures after the 2021 flood.

It was also reported that Afro-Guyanese employees have been disproportionately affected by Government layoffs and contract terminations from public sector.

It has also been reported that workers of the bauxite mining industry - the majority of which are of African descent, have long been exposed to serious health threats linked to their occupation. In addition, they are now facing economic instability due to the decline of the mining industry, not benefitting from any kind of protection or support by the State. Deprived of their possibility to earn a living, they receive an extremely low severance pay and do not have a pension to support them and their families.

People of African descent face specific obstacles in the enjoyment of their rights to freedom of expression. We express concern about the lack of media pluralism and diversity. In fact, more than 90% of the mass media are either controlled by the Government or owned by Indo-Guyanese, who support the ruling Government, as the latter represents them and protects their interests. Censorship of the political opinions of the Afro-Guyanese is the other face of the coin. Therefore, while the mainstream mass media unrestrainedly spread racist discourses, people of African descent are prevented from disproving the falsity of racist stereotyping and from offering alternative narratives. We are also concerned about the use of defamation lawsuits by public officials against independent journalists to silence critical voices. We wish to underscore the importance of free, independent and pluralistic media for democracy and sustainable development in Guyana.

The Working Group of Experts on People of African Descent had already emphasized that some categories of people of African descent in Guyana experience intersectional forms of discrimination, which place them in a particular vulnerable position and aggravated marginalization. It happens to Afro-Guyanese women, who endure a life more exposed to the risk of domestic violence or sexual abuses than other Guyanese women do. A higher rate of school dropout is recorded among children and girls while adults face a more severe gender pay gap and discrimination. The same is true for people of African descent of diverse gender identity or sexual orientation such as the members of the LGBTQI+ community: when not criminalized, these people are still heavily stigmatized and excluded from the public spheres. Religion and belief also create an additional and intersecting ground of discrimination for people of African descent, as it happens to Rastafari Afro-descendants, who are

particularly exposed to poverty, disease, illiteracy and all their detrimental effects because of belonging to a religious and cultural minority.

Racism in all its manifestations is an everyday part of life for Afro-Guyanese people, and it is also embedded in the judicial criminal system and in the behaviour of the law enforcement officials. Here again, the lack of data makes it hard to describe precisely the interaction between the Afro-Guyanese and the national criminal system. There is a lack of public records on the names of persons arrested, processed, charged or released from custody, and the available data concerning the criminal system are not disaggregated on the basis of ethnicity or race. Nevertheless, it is beyond doubt that people of African descent disproportionately encounter the Guyanese judicial system and are subject to an unequal treatment.

Indeed, people of African descent are often arrested by the police and detained for inquiries upon bare complaints, which are often not timely investigated, and in practice remain detained over the constitutional limit of 72 hours. During this time, they are exposed to police brutality and abuse of force to procure confessions.

They are often required to pay exaggerated amounts of bails, as the Guyanese system does not provide for objective rules for the granting of the bails and the final decision eventually depends on the subjectivity of the judge – meaning they are more exposed to racist biases. In order to pay the bails and in confronting allegations and resisting in trials, people of African descent accused of a crime spend precious economic resources that could be invested in other areas of their lives, for their own development as well as to meet their basic needs. For those who do not have the economic means, this can mean the incapacity to get out of prison.

Besides being racially biased, according to the information we received, the criminal system is also being instrumentalized to pursue political opponents and those who are deemed to not be supportive of the Government, primarily - if not exclusively - Afro-Guyanese.

The obvious outcome of the racial profiling is that people of African descent are overrepresented among those serving a sentence in detention facilities. The Working Group of Experts on People of African Descent had already noticed, and it was more recently reported to us, that in these structures the living conditions are inhumane. The hygienic situation, the overcrowding of the cells, the lack of efficient health prevention measures, the proliferation of tuberculosis and other illnesses, the scarcity of toilets, among others, reveal that the Guyanese prison system, mostly inhabited by people of African descent, is blatantly substandard. In this kind of environments, the chances of rehabilitation and the actual possibility to be integrated in the society, once released, are dashed - it being particularly frustrating for the youngest population of the prisons.

Racial injustice in Guyanese criminal system goes further, as what begins with racial profiling can result in assaults and murders. Some individual cases that

have been reported to us illustrate the difficult conditions of life experienced by people of African descent in the country. According to the information made available to us:

On 20 March 2022, Ms. Shawnette Bollers, an Afro-Guyanese police officer, has been reportedly spat on and racially abused by a lawyer, a court official and the son of a former registrar of the judiciary, while on guard duty at the lawyer's family home. According to the information received, on 20 April 2022, Ms. Bollers filed private criminal charges against the lawyer for making racist remarks at her. In May 2022, the case was discontinued by the Director of Public Prosecutions. On the 4 June 2022, Ms. Bollers filed new charges alleging that the lawyer assaulted her.

On 15 September 2021, the police forces raided the house of Mr. Orin Boston, an Afro-Guyanese citizen, located in Dartmouth Village, Essequibo Coast, Region 9, allegedly looking for prohibited items – that were never found in the house. Mr. Orin Boston was shot while he was sleeping in his bed with his family. Although the police officers declared having shot the unarmed man in the upper left arm, the autopsy showed that Mr. Boston was hit in the middle of his chest. He died from the haemorrhage caused by this injury, as the police officers, after having targeted him, lifted him outside and laid him down by the door; only after the searching operations in the house – with no avail –, the victim was brought to the hospital, where he arrived already dead. It is likely that if after the shooting, which remains arbitrary, unjustified and illegal, he was transported without delay to the hospital, he could have survived.

We have also been informed that the Government has started obstructing the work of human rights defenders engaged with the promotion of the human rights of people of African descent. This is the case of the organization “International Decade for People of African Descent Assembly – Guyana (IDPADA-G)”, an umbrella organization of 65 African-Guyanese organizations aligned with the purposes of the United Nations International Decade for People of African Descent and supporting the Afro-Guyanese community through the empowerment and the promotion of the human rights of its members. The Guyanese Government, in 2018, addressed unjustified allegations of malfeasance to the organization, sending Government's auditors and asking for documentation. Although the IDPADA-G proved that the allegations were unfounded, in August 2022 the Government required again, and on several occasions, to audit again financial records and the articles of incorporation of the organization, even those previously checked and that had already demonstrated a financial management up to standard.

There has all been unreasonable delay in the disbursement of the subvention to which IDPAD-G was eligible. On 25 September 2022, IDPAD-G submitted a request for September 2022 subvention to the Ministry of Culture Youth and Sport in the proper and timely manner. The Parliament had already approved the public monthly economic subvention. At the same time, despite no evidence was ever found and the investigations had proven, on the contrary, the full regularity of the organisation's management, some members of the Government, more than once, have issued statements to the press and through the social media

publicly accusing the organization: in August 2022 the Vice-President blamed IDPAD-G for having (allegedly) diverted money, and a month later, also the Guyanese Minister of Labour issued a video statement reiterating the allegations about the misuse of funds. Due to the smear campaign and the suspension of funds, all the programmes and services that the organization usually provides to the Afro-descendant population had to be suspended, meaning that the ultimate detrimental effects of these acts were therefore suffered by the people of African descent who were relying on, or benefitting from, those services. By the end of September 2022, IDPAD-G still had not received the cheque nor any response to their request, despite the fact that cheques are usually available by the first week of the month. On 22 September 2022, the organization submitted a new request for the October subvention, and, on 3 October, it sent a letter to the Ministry of Finance to inform that the subvention approved by the Parliament for IDPAD-G was discontinued without justification.

The Working Group had also raised concerns about the lack of data disaggregated by race and ethnicity, which conceal the structural discrimination and inequalities faced by Afro-Guyanese.²

It has been brought to our attention that your Excellency's Government has not effectively implemented the recommendations that the Working Group of Experts on People of African Descent issued in 2018.³ In particular:

- The body established to implement the Working Group recommendation to undertake impact-oriented activities in the framework of the International Decade for People of African Descent and bridge the existing gaps between policies and practice, namely the above mentioned IDPAD-G, was unable to concretely function, due to the suspension of the public funding (para. 42).
- No action has been taken to constitute a Human Rights Commission (para. 44).
- No action has been taken to strengthen the functions and the capacity of the Office of the Ombudsman by expanding its human, financial and technical capacities, to carry out investigations on its own accord (para. 45).
- No action has been taken towards the collection, compilation, analysis, dissemination and publication of reliable statistical data, and no measures have been put in place to regularly assess the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance (para. 46).
- No action has been taken to honour the memory of the victims of past tragedies and affirm that, wherever and whenever these occurred, they must be condemned and their recurrence prevented (pursuant to paragraph 99 of the Durban Declaration), and no measure has been taken

² [A/HRC/39/69/Add.1](#), para. 17.

³ [A/HRC/39/69/Add.1](#).

to preserve, protect and restore the memory of sites and places of the trans-Atlantic trade in Africans and enslaved resistance, giving greater visibility to this history and culture through museums, monuments, visual arts and other means (para. 47).

- No adequate resources have been provided to people of African descent for the celebration of Emancipation Month; on the contrary, fundings have been withheld from one of the organizations concerned (ACDA) (para. 48).
- No action has been taken to create memorials to honour people of African descent and African victims of historic tragedies (para. 49).
- No action has been taken to ensure that textbooks and other educational materials reflect historical facts accurately and adequately as they relate to past tragedies and atrocities, such as enslavement, trade in enslaved Africans and colonialism, neither to ensure that they promote interracial harmony and respect for the traditions and cultures of the different ethnic groups living in Guyana (para. 50).
- Although there may have been plans to expand the teaching of history, the textbooks and other educational materials do not reflect historical facts accurately, hence children of African descent do not build a connection with their past and a sense of cultural identity, and others still cannot appreciate the contribution of the Afro-Guyanese to the culture and development of Guyana (report, para. 59).
- No action has been taken to revise and develop specific curricula and corresponding teaching materials that respect and recognize history, including the transatlantic trade in Africans, as recommended in para. 60 of the report.
- No action has been taken towards the adoption of a national plan of action against racial discrimination, with the participation and in the ways recommended in paragraph 52 of the report.
- No action has been taken towards the reform the State judicial system, or to ensure that the right to a fair trial without undue delay is guaranteed not only in theory but also in practice (para. 53).
- Racial profiling has not yet been prohibited by law and no complaint mechanism has been put in place to address this problem (para. 54).
- No action has been taken to ensure that all prisons should be administered in accordance with the State's international human rights obligations, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. The problem of overcrowding in prisons, despite deserving urgent action, has not yet been addressed. No measure has been taken to improve infrastructure and conditions of hygiene, and to make available the material, human and budgetary resources

necessary to ensure that conditions of detention are in conformity with minimum international standards. Prisons that are not fit for human habitation, such as Lusignan Prison, have not yet been closed and replaced with facilities that meet international standards (para. 55).

- No action has been taken to investigate all allegations of reprisals, to hold perpetrators accountable and to ensure that persons interacting with the Working Group during its visit are not subjected to any harm, threat, harassment or punishment (para. 56).
- No measure has been taken to ensure that juvenile detention centres adhere to international human rights standards and implement programmes for the rehabilitation of children, nor to independently monitor and inspect the facilities in which children and young adults are placed, to ensure that standards of treatment and care are maintained (para. 57).
- No action has been taken to guarantee that prompt and impartial inquiries are conducted into all extrajudicial killings by the police, including those targeting people of African descent, perpetrators are prosecuted, and effective remedies are provided to victims and their families (para. 58).
- Although limited action has been taken towards the establishment of vocational schools across the country, in the areas predominantly inhabited by the Afro-Guyanese community, such as Linden, no action has been taken to establish a university-level education and other educational institutions, such as the School of Nursing, have been closed down (para. 61).
- No adequate resources have been invested in sports activities and programmes for young people of African descent. It has been reported that sport teams traveling abroad for sport competition have to seek support from local Guyanese residents for food and accommodation. Furthermore, they are not accompanied by qualified medical experts in case of injuries (para. 62).
- No action has been taken to ensure the full implementation of the right to adequate standard of living, including the right to adequate housing. On the contrary, the country is facing a housing crisis causing the rise of prices and long waits for the processing of housing applications, which is not supported by mortgage lending institution (para. 63).
- While a Commission of Inquiry was convened and it published a report, no action has been taken to identify and demarcate land allocation. On the contrary, the public institutions and tools related to lands have not been improved in harmony with the overall evolution of the Guyanese economy to efficiently manage and protect landownership and titles (para. 64).

- No dedicated development funds have been put in place to empower people of African descent who have been left behind (para. 65).
- No action has been taken to implement policies that accelerate the decentralization of power and access to resources, or to increase accessibility of affordable loans for entrepreneurs by people of African descent. On the contrary, central ministries seek to establish a direct client relationship with local communities and act in a discriminatory manner (para. 66).
- Although some steps have been taken to implement policies to prevent and prosecute sexual harassment in the labour environment and beyond, it has been reported a general trend of covering up those misdeeds when committed by senior government officials (para. 67).
- The high cost of medicines and the raising level of poverty impair People of African descent's access health care when needed (para. 68).
- Although some programmes aimed at reducing the suicide rate have been implemented, the figures remain high (para. 69).
- Mental health treatment and facilities remain inadequate (para. 70).
- Programmes aimed at preventing and treating substance abuse are not efficient in reaching their goal because of their limited nature. On the other hand, although HIV/AIDS care is provided, stigmatization and prejudices still label the life of those affected by this illness (report, para. 71).
- No action has been taken to allocate resources to the Women and Gender Equality Commission in order to strengthen its accessibility (report, para. 72).
- Although some initiatives have been brought to the Guyanese Government's attention, such as the petition to decriminalize marijuana, limited action has been taken to address the cultural and religious rights of the Rastafari community (report, para. 73).
- No action has been taken by political leaders and parties to actively combat racism, racial discrimination and related intolerance, and to promote solidarity, tolerance and respect. On the contrary, it has been reported that opposite values have been proclaimed in the political sphere, and disharmony and tensions among ethnic groups have been exacerbated by the discriminatory treatment of the Government (report, para. 74).
- The Government has failed to enable the media's role as a public watchdog, through insufficient free, pluralistic and independent media, to allow for the reporting of factual, diverse and reliable information about people of African descent (para. 75).

- The partnerships of the Government with civil society organizations when framing important legislation pertaining to people of African descent are superficial and ineffective, and the consultations are mere window-dressing initiatives (para. 76).

Without prejudging the accuracy of these allegations, we express our deep concern that the discrimination and spatial segregation lived by people of African descent in the country encompasses all areas of their lives and can seriously jeopardize the enjoyment of the human rights of these people. Our concerns in this regard are aggravated by the deterioration of the situation since the Working Group on People of African Descent visited the country in 2017. This happens in contravention to the international obligations that bind your Excellency's Government.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We call upon your Excellency's Government to implement the recommendations that the Working Group on People of African Descent included in its report (A/HRC/39/69/Add.1), in compliance with the most stringent international standards on human rights.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please explain how your Excellency's Government has addressed or plans to address the spatial segregation and geographic marginalization of people of African descent in the country, specifically when it comes to ensuring equal access to livelihoods and essential public services, including healthcare and education.
3. Please provide information on how your Excellency's Government address intersectional discrimination of Afro-Guyanese women and ensure their economic, social and cultural rights, access to justice, freedom of movement, sexual and reproductive health rights, personal integrity and freedom from violence.
4. Please provide information on the rules and the practices which are in place in Guyana to protect the rights to life and to personal integrity of people of African descent in the context of police brutality and other unlawful activities by public authorities.
5. Please explain the steps that your Excellency's Government has undertaken or is considering undertaking to address the intended and

unintended impact of the unequal distribution of economic resources among ethnic groups.

6. Please provide information concerning any steps that your Excellency's Government has taken or is considering taking to ensure that the people of African descent in Guyana have access to the highest attainable standard of physical and mental health and adequate access to medical healthcare services.
7. Please provide information concerning any steps that your Excellency's Government has taken or is considering taking to ensure that the human rights of people of African descent deprived of their liberty are respected, in particular that they have access to the highest attainable standard of physical and mental health, including adequate access to medical healthcare services and medication.
8. Please describe how your Excellency's Government ensure a free, independent and pluralist media, and a diverse political arena, and in particular the policies and the practices aimed at ensuring that the information is freely disseminated in the media, as well as any other relevant measures aimed at promoting and/or protecting the right of expression, association and participation in political affairs.
9. Please provide information on the actions that your Excellency's Government has taken or is considering taking to guarantee that everybody has access to quality education and to address lack and/or inadequacy of the education-related services in the regions, areas and zones where most of the residents are Afro-Guyanese.
10. Please provide information on the actions that your Excellency's Government has taken or is considering taking to ensure that curricula, textbooks and other educational materials reflect historical facts accurately and adequately as they relate to past tragedies and atrocities, such as enslavement, trade in enslaved Africans and colonialism; the cultural heritage of Afro-Guyanese and their contribution of the culture and development of Guyana.
11. Please explain how the enjoyment of the human rights of the persons belonging to the Afro-Guyanese minority, including their right to adequate standard of living, including the right to adequate housing, as well as their cultural rights, are fulfilled and protected.
12. Please provide details on concrete measures taken or envisaged to ensure that Afro-Guyanese belonging to ethnic and/or religious minorities are able to enjoy their right to freedom of religion or belief.
13. Please describe how your Excellency's Government has addressed or envisages to address intersectional forms of discrimination and to provide remedy and additional support to these categories of victims,

including members of the LGBTQI+ community, and members of ethnic and/or religious minorities.

14. Please indicate the specific remedial measures that your Excellency's Government has taken or is considering taking to prevent racist hate and violence targeting people of African descent, online and offline, in accordance with article 19 and article 20 ICCPR.
15. Please describe what prevention and control instruments are in place to ensure that racial biases do not undermine the integrity of criminal investigations and judicial proceedings.
16. Please provide detailed information and, to the extent available the results, of any judicial, forensic or other investigation conducted and/or the criminal charges issued in connection with the above-described cases concerning Ms. Shawnette Bollers and Mr. Orin Boston, and with any other relevant case not mentioned in this letter, including whether such investigations conform with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).
17. Please indicate what measures have been taken to ensure that human rights defenders and organizations denouncing human rights violations against people of African descent are able to carry out their legitimate work in a safe and enabling environment, and without undue restrictions.
18. Please enumerate all policy and practical measures - legal, institutional, procedural - put in place to implement each of the recommendations issued by the Working Group of Experts on People of African Descent in their report⁴, when they are not covered by the above-mentioned requests, and when no action has been taken, explain why.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

⁴ See footnote no. 1.

Please accept, Excellency, the assurances of our highest consideration.

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Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the international human rights norms and standards, as well as authoritative guidance on their interpretation, applicable within the jurisdiction of Guyana.

The principles of equality and non-discrimination are part of the foundations of the rule of law and human rights. They are affirmed and reiterated in all human rights treaties, including article 2(2), of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), both ratified by Guyana on 15 February 1977; article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by your Excellency Government on 15 February 1977; and article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by your Excellency Government on 17 July 1980.

In relation to the above allegations, we would like to draw the attention of your Excellency's Government to article 5 of the ICERD, which makes clear that State parties must, in compliance with the fundamental obligations laid down in article 2 of this Convention, undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. In addition, States have an obligation to resolutely counter any tendency to target, stigmatize, stereotype or profile people of African descent on the basis of race, by law enforcement officials, politicians and educators⁵.

In this framework, we would like to refer your Excellency's Government to the text of the Durban Declaration and Programme of Action, but we would like to underscore, in particular, how it clearly identified that if, on one hand, inequitable distribution of wealth, marginalization and social exclusion aggravate racism, racial discrimination, xenophobia and related intolerance (para. 9), on the other hand inequitable political, economic, cultural and social conditions can breed and foster racism, racial discrimination, xenophobia and related intolerance (para. 76). The Declaration clarifies that equality of opportunity for all, in all spheres, is the unique solution to this loop.

We would also like to draw your Excellency's Government's attention to article 11(1) of the ICESCR, which recognizes the right of everyone to an **adequate standard of living** for himself and his family, including **housing**, and to the continuous improvement of living conditions. This provision must be read in conjunction with article 2(2) of the Covenant which provides for the exercise of any right under the Covenant without discrimination of any kind. Along similar lines, article 5 of the ICERD provides for the exercise of the right to adequate standard of living, including adequate housing, without discrimination.

⁵ Committee on the Elimination of Racial Discrimination, General recommendation No. 34, para. 31.

Interpreting the right to adequate housing in its general comment no.4, the Committee on Economic, Social and Cultural Rights said it should not be viewed in a narrow or restrictive sense such as merely having a roof over one's head, but rather it should be seen as the right to live somewhere in security, peace and dignity. Indeed, the Committee explained that the right to housing includes guarantees of: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy.

In its general comment no. 7, the Committee also clarified that forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions⁶.

We would like to draw your attention to the recent reports of the Special Rapporteur on the right to adequate housing addressing discrimination in the context of housing (A/76/408) and spatial segregation (A/HRC/49/48), as well as the work of the mandate over the years on forced evictions, including the Basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, Annex I) and the Guidelines for the implementation of the right to adequate housing (A/HRC/43/43). Specifically, in his report on spatial segregation, the Special Rapporteur said that "Spatial segregation [...] can no longer be an excuse for unequal enjoyment of the right to adequate housing and other interrelated human rights" and listed a number of recommendations on how States can counter existing spatial segregation.

We also wish to recall that the United Nations Declaration on the right to **development** (A/RES/41/128) defines the right to development as an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development (article 1.1). The Declaration further states that the human person is the central subject of development and should be the active participant and beneficiary of the right to development (article 2.1) The Declaration further calls on States to take all necessary measures for the realization of the right to development and to ensure equality of opportunity for all in their access to basic resources, education, health, food, housing and employment (article 8), and requires that States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights (article 8.2). Furthermore, article 5 of the Declaration on the Right to Development articulates the State duty to "take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as [...] racism and racial discrimination ..."; article 8 calls for the fair distribution of income in the context of "economic and social reforms" and holds that States "shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income".

⁶ The Committee on Economic, Social and Cultural Rights General Comment No. 7, para. 4.

We would also like to make reference to article 19 of the ICCPR, which guarantees the right to **freedom of opinion and expression**. Freedom of expression entails that “everyone shall have the right to hold opinions without interference” as well as that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” Enjoyment of the right to freedom of expression is intimately related to the exercise of other rights and foundational to the effective functioning of democratic institutions, and accordingly the duties it entails include the promotion of media diversity and independence, and the protection of access to information.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant. In her report A/HRC/50/29, the Special Rapporteur for the right to freedom of opinion and expression expressed her concern about the criminalization of journalists including through laws that prohibit the criticism of state institutions or officials, negatively impacting media freedom and damaging democratic discourse and public participation.

Article 25 of the same Covenant codifies the human right to **participate in public affairs**, to vote and to equal access to public service. general comment no. 25 of the Human Right Committee clarified that “Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant.” The Human Rights Committee further explained that “In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion”. Therefore, compliance to article 25 implies the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, compelling the States to ensure everybody’s freedom to engage in political activity individually or through political parties, freedom to debate public affairs, to criticize and oppose, to publish political material, and to advertise political ideas.

As recognized in article 13 of the ICESCR, everyone has the right to education. The Committee on Economic, Social and Cultural Rights, in its general comment 13, stressed that education in all its forms and at all levels shall exhibit the interrelated and essential features of availability, accessibility, acceptability and adaptability. In particular, education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds; education has to be within safe physical reach; and education has to be affordable to all (whereas primary education shall be available “free to all”, States parties are required to progressively introduce free secondary and higher education). Furthermore, the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students (E/C.12/1999/10, para. 6).

The Special Rapporteur on the right to education, in her report on inclusion, equity, and the right to education, stressed that as Governments work to implement the Sustainable Development Goals, particular care is needed to address discrimination by identifying people and groups who are in need of specific, targeted support. This requires a review of laws, policies, disaggregated education data and targeted financing and actions to address the specific needs of learners, which is best implemented through decentralized decision-making and inclusive consultations with all stakeholders, including learners, parents and communities (A/72/496, para. 107).

We would also like to stress that, under article 15 of the ICESCR, everyone has the right to participate in cultural life. In her reports on the issue of historical and memorial narratives in divided societies, relating to a) history textbooks (A/68/296) and b) memorials and museums (A/HRC/25/49), the Special Rapporteur on cultural rights stressed the importance of a setting out the conditions to ensure a multi-perspective approach in history teaching and memorialization processes. History teaching and memorial practices should foster critical thought, analytic learning and open spaces for debate. History teaching should aim at fostering critical thought, analytic learning and debate; stressing the complexity of history, it should enable a comparative and multiperspective approach (A/68/296, para. 88 a). In ensuring that sufficient space is available for various narratives and perspectives to be expressed, she recommended that States and other stakeholders should neither engage in nor support policies of denial that prevent the construction of memorials or memorialization processes; nor should they build, support or finance works that may incite violence (A/HRC/25/49, §105.)

We would like to further refer your Excellency's Government to article 12 of the ICESCR, which establishes that an obligation to respect the **right to health** by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services.⁷ In this regard, general comment no. 14 of the Committee on Economic, Social and Cultural Rights (CESCR) states that the Covenant proscribes any discrimination in access to health care and underlying determinants of health, as well as to means and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health. (general comment no 14, para. 18). The Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care (general comment no. 3, para. 10). It also interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information (general comment no. 14, para. 11).

We wish to also bring your Excellency's attention that the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical

⁷ Committee on Economic, Social and Cultural Rights, General Comment 14, para. 34.

and mental health indicates that “racism is a key social determinant of health and a driver of health inequities” and sheds light on the impact of racism and discrimination, in particular on Black people, persons of African descent [...] and the intersection of factors at play, such as poverty, and discrimination based on age, sex, gender identity, expression, sexual orientation, disability, migration status, health status (e.g. HIV/AIDS) and location in rural or urban communities” (A/77/197, para. 3). She also stresses that “[r]acial discrimination is also institutionalized in underlying determinants of health, such as education, employment and housing” and that “[i]n addition to being linked to poverty, racism [...] leads to exceedingly high rates of police brutality, poor access to justice and recourse, mass incarceration, exposure to toxic environmental pollutants and a lack of access to housing, education, employment, health care, and healthy food” (ibid. para. 7). In this regard, the Special Rapporteur recommended to Governments “to intentionally create budgets and research lines dedicated to uncovering the epidemiological risks associated with being subjected to racism throughout one’s life and urge[d] “health-care institutions, physician practices and academic medical centres to recognize, address and mitigate the effects of racism on patients, providers, international medical graduates and populations” (ibid. para. 98). She also indicated the urgent need to adopt “[a]n intersectional rights-based approach to ending racism as a determinant of health [...] to move towards substantive equality and restore the dignity of all people” Ibid. para. 102).

We also recall that States have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their lives and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. In addition to that, we would like to underline the content of Principle 9 of the Basic Principles for the Treatment of Prisoners, according to which prisoners should have access to health services available in the country without discrimination on the grounds of their legal situation. In this regard, we also draw your attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (reviewed on 17 December 2015 and renamed the “Mandela Rules”), detailing minimum requirements about the accommodation in cells units and dormitories, sanitary installations, windows, lighting, bathing and shower installations and their cleaning, as well as about personal hygiene and health services that should be available to prisoners.

Concerning the intersectional and aggravated forms of discrimination faced by some members of the Afro-Guyanese community, such as **women** of African descent, we would like to draw your attention to CEDAW, which requires States parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women” (Article 2(f)), and “to modify social and cultural patterns... with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of either of the sexes” (article 5(a)). Many indigenous and Afro-descendent women live in rural settings and experience discrimination based on their ethnicity, language and traditional way of life. Rural women who belong to other ethnic minorities or to religious minorities, as well as female heads of household, may also experience higher rates of poverty and other forms of social exclusion and suffer

disproportionately from intersecting forms of discrimination (general recommendation no. 34 (2016) on the rights of rural women, CEDAW/C/GC/34, para. 14).

The Working Group on discrimination against women and girls in its report on discrimination against women in economic and social life with a focus on economic crisis stated that a crosscutting issue in women's life cycles is their vulnerability to poverty, especially when they are from minority communities. Women are disadvantaged economically as a result of social and cultural parameters, including stereotyping, discrimination and violence. A structural barrier to women's economic empowerment is the disparate feminization of unpaid care responsibilities. These cultural and structural barriers appear throughout girls' and women's life cycle and, indeed, women's economic situation varies throughout their life cycle more than men's (A/HRC/26/39, para. 16). The Working Group on discrimination against women and girls stated that families headed by women are more seriously affected by poverty because of the discrimination they suffer and recommended to develop effective mechanisms to combat the multiple and intersecting forms of discrimination suffered by all marginalized women, including minority women, and women living in poverty (A/HRC/29/40, paras 24 and 74). In their report on health and safety, the expert noted that women living in poverty are disparately affected in their access to health services, particularly reproductive and sexual health and preventive health care. They face barriers in accessing health-care services due to the non-affordability and biases and stigmatization by health-care providers (A/HRC/32/44, paras 43 and 100). They recommended that States adopt an intercultural and participatory approach to sexual and reproductive health to ensure that indigenous and ethnic and other minority women and girls are actively involved in shaping and implementing the sexual and reproductive health programmes offered to them, including through their own institutions and communities (A/HRC/47/38, para. 77). The experts also noted that unequal access to and control over resources, power, opportunities and services underpin women's poverty, can lead to their deprivation of liberty. Indigenous and racial minority women are not only more likely to be poorer than other women owing to intergenerational cycles of systemic oppression but are also more likely to experience detention for issues such as the inability to pay off debts or petty offences. such as theft. Poverty for women is not only a matter of material wealth and social services, but fundamentally a question of the choices they are able to make for their lives. Women have less access to decent work, may be restricted as to which fields they can work in and how high they can rise within those fields, while being responsible for a disproportionate share of unpaid care and domestic work. The gender opportunity gap starts early, with discrimination in the family and in education that springs from or embodies the different stereotypes, which subsequently contributes to limiting their potential to exercise their capabilities and pursue the career and life choices available to them. (A/HRC/41/33, para. 50, 52, 56).

Additionally, article 2(1) of the International Covenant on Civil and Political Rights (ICCPR) and article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) both oblige each State Party to respect and ensure the rights enumerated in those Covenants without distinction or discrimination "of any kind" as to "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Furthermore, the Committee on Economic, Social and Cultural Rights has affirmed in its General Comment 20 that **sexual orientation and gender identity** are prohibited grounds for discrimination under international human rights law, and in particular, under article 2(2) of the ICESCR.

Therefore, States parties should ensure that a person's sexual orientation and gender identity is not a barrier to realizing the rights enshrined in the ICESCR (para. 32). The same applies to the rights enshrined in the ICCPR, as provided in article 2(1) and underscored by the Human Rights Committee⁸. The United Nations High Commissioner for Human Rights Mr. Zeid Ra'ad Al Hussein echoed this concern and emphasized that States have an obligation to ensure equal protection before the law, freedom from discrimination, to prohibit and prevent discrimination in private and public spheres and to diminish conditions and attitudes that cause or perpetuate such discrimination⁹ (A/HRC/29/23, para. 16). He further stated that to this end, States should enact comprehensive anti-discrimination legislation that includes sexual orientation and gender identity among protected grounds, that States should review and repeal discriminatory laws and address discrimination against LGBT and intersex ("LGBTI") persons, including in the enjoyment of the rights to health, education, work, water, adequate housing and social security¹⁰.

We would also like to bring to your Excellency's Government's attention the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the **existence and the identity of minorities** within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law, and to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop, inter alia, their culture, traditions and customs (article 4). It further provides that national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities (article 5). Furthermore, article 27 of the ICCPR provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. We also wish to refer to the Human Rights Council Resolution 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, which calls on States to adopt measures to criminalize incitement to imminent violence on the basis of religion or belief (art. 7f) and to foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society (art. 8b)

We would also like to refer your Excellency's Government to article 18 of the ICCPR, whereby "[E]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

⁸ Human Rights Committee, General Comment 35, para. 3.

⁹ Report of the Office of the United Nations High Commissioner for Human Rights on Discrimination and violence against individuals based on their sexual orientation and gender identity (A/HRC/29/23, para. 16).

¹⁰ Ibid., paras. 16 and 79 (c), A/HRC/19/41, para. 84 (e).

We also want to remind your Excellency's Government of ICCPR article 9 enshrining the **right to liberty and security** of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

The right to life, as set forth in Article 3 of the Universal Declaration of Human Rights and in article 6 of the ICCPR guarantees the **right to life** for all human beings, without distinction of any kind. Consequently, everyone has the right to be free from acts or omissions that are intended or may be expected to cause their unnatural or premature death¹¹. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by the Economic and Social Council resolution 1989/65 of 24 May 1989, and the United Nations Revised Manual for the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)) and should aim to ensure that perpetrators are brought to justice, promote accountability and prevent impunity, avoiding denial of justice and drawing lessons necessary to review practices and policies with a view to avoiding repeated violations. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular Principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

The Committee on the Elimination of All Forms of Racial Discrimination stressed that all States parties have an obligation to ensure that all public authorities and public institutions, national and local, will not engage in any practice of racial discrimination¹²; in this light, law enforcement officials have to receive intensive training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin. In addition to the violation of any form of discrimination, international law provides specific rules for law enforcement officials concerning the use of force: in this regard, we would like to draw the attention of your Excellency's Government to Principle 4 of the United Nations Basic Principles on the Use of Force and Firearms by Law Officials, which provides that "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms", as well as

¹¹ Human Rights Committee, General comment No. 36.

¹² General recommendation No. 13 on The training of law enforcement officials in the protection of human rights, para. 1-2.

to the United Nations Code of Conduct for Law Enforcement Officials which provides that “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty” (Article 3). The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment highlighted that any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts established international legal principles governing the use of force by law enforcement officials and amounts to cruel, inhuman or degrading treatment or punishment, or even to torture¹³.

We would also like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms - also known as the UN Declaration on Human Rights Defenders. Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 12 (2) and (3) further provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

The full texts of the above-mentioned human rights instruments and standards are available at www.ohchr.org or can be made available upon request.

¹³ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment (A/172/78, para. 62).