



Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
- Universal Periodic Review

GUYANA

I. Background and current conditions

UNHCR would like to note that Guyana is not a State Party to the 1951 Geneva Convention relating to the Status of Refugees (hereafter 1951 Convention) and its 1967 Protocol. Moreover, Guyana is neither a State Party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

Guyana has not yet developed domestic procedures and institutions for asylum. In the absence of national asylum legislation and the requisite institutional arrangements and capacity, the main responsibility for determination of refugee status has been assumed by UNHCR. Whereas UNHCR does not have any physical presence in Guyana, cases are referred to the UNHCR Regional Office covering the country through the UNDP Resident Representative in co-ordination with the Government of Guyana. Guyana has received asylum-seekers from a wide variety of countries, such as Cuba, Angola, Liberia, Sierra Leone and Uzbekistan.

Nevertheless, the *non-refoulement* principle, a cornerstone of international human rights and refugee law, is not fully respected in Guyana. In this regard, reference is made to the 37th session (November 2006) of the Committee against Torture and its Concluding Observations, particularly as regards paragraph 8: “*The Committee regrets the lack of information on the compliance by the State party with article 3 of the Convention. The Committee would like to remind the State party of the absolute nature of the prohibition to expel, return (refouler) or extradite a person to another state where there are substantial grounds for believing that the person would be in danger of being subjected to torture, as established by article 3 of the Convention. The State party should submit in its next periodic report information regarding the implementation of article 3 of the Convention in cases of extradition, expulsion or return (refoulement) of foreigners.*”

The importance of ensuring full respect of the *non-refoulement* principle is exacerbated by the fact that Guyana is not a party to the 1951 Convention and therefore the safeguards provided through the Convention against Torture, the International Covenant on Civil and Political

Rights and customary international law are the only basis for ensuring this basic right of persons in need of international protection.

II. Recommendations

It is recommended that Guyana accedes to the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol.

It is recommended that Guyana initiates the drafting and adoption of national refugee legislation. As a first step, such law could establish a simple and practical administrative mechanism to ensure the fair and efficient processing of asylum applications. In this context, UNHCR reiterates its willingness to provide technical support in drafting national refugee legislation and capacity-building for Government officials, as well as to assist in strengthening the institutional capacity for the development of a national refugee status determination procedure.

It is recommended that registered persons in need of international protection are given access to basic services, including education, affordable health care, and work, which will enable refugees to attain self-reliance.

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