

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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164<sup>TH</sup> Sitting

Thursday, 8<sup>TH</sup> September, 2011

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*The Assembly convened at 2.15 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

**Mr. Speaker:** Hon. Members, I apologise for the late start. I am glad to see this afternoon that we have with us Hon. Member Mr. Bernard De Santos. I read in the newspapers, and I am sure many of you would have done the same, that Mr. De Santos was one of those persons who were delayed in New York by Caribbean Airlines Limited for several days. I would like Mr. De Santos to know that we were all worried about his welfare and we were all hoping that he would return to Guyana safely.

I do not know what role Mr. De Santos played in the blocking of the gate to prevent passengers leaving for Trinidad on the aircraft which eventually brought our Guyanese people back home, but knowing Mr. De Santos, I am sure – and I am sure that you will agree with me – that he would have played a leading role in that event, not only in the advocacy for which he is famous in Guyana, but also for the physical efforts in blocking the gate.

You may know – and if you do not I would like to inform you – that Mr. De Santos was a champion “volleyballer” and he was called to practice either in football or in cricket. We are glad to have Mr. De Santos here.

**Mr. De Santos:** Mr. Speaker, please permit me to thank you and the other Members for your concern about my wellbeing and I wish to tell you that your knowledge and experience of me was well borne out with the part I played there. I wish to say, and I know what I say here is privileged, that I instigated the blockage and lead it myself and I was prepared, and I told them so, to sacrifice my person to arrest if needs be done. It is only then that Caribbean Airlines realised... I told them that we are on the point of near riot now. "We cannot take this thing anymore and unless you get an aircraft here we are not going to move from here. Not a single flight will go out nor come in." It was then that the arrangements were made for us to leave. Something of which I am humbled about but extremely proud.

**Mr. Speaker:** We expected no less.

**Mr. Lumumba:** Mr. Speaker, may I recommend a national award.

## **PRESENTATION OF PAPERS AND REPORTS**

The following Paper was laid:

- (i) The Motor Vehicles and Road Traffic Act (Amendment) Regulations 2011 - No. 2/2011. *[Minister of Home Affairs]*

## **REPORTS FROM COMMITTEES**

The following Report was laid:

- (i) The Report of the Special Select Committee on Political Parties Campaign Financing, Resolution No. 153 of 2011. *[Minister of Health]*

## **STATEMENTS BY MINISTERS INCLUDING POLICY STATEMENTS**

**Minister of Foreign Affairs [Mrs. Rodrigues-Birkett]:** Thank you, Mr. Speaker. I rise to inform this National Assembly that the Government of Guyana has made a submission containing all of the relevant data with respect to Guyana's claim to an extended Continental Shelf, pursuant to Article 76 of the United Nations Convention on the Law of the Sea. The submission was made on Tuesday, 6<sup>th</sup> September, 2011, to the United Nations.

Like other State Parties to the United Nations Convention on the Law of the Sea, Guyana commissioned a desktop study in 2002 to determine, from data available both in Guyana and overseas, whether Guyana met the basic criteria to make a claim to an extended Continental

Shelf. The claim, according to the provisions of the Convention, can be up to a limit of 150 nautical miles from the 200 nautical mile outer limit of the Exclusive Economic Zone of coastal states.

A key objective for commissioning the desktop study was to ensure that the commissioning of other more expensive works, including seismic data gathering that could cause millions of American dollars, would not be a costly exercise in futility. The desktop study, which was funded with the assistance of the Commonwealth Secretariat and conducted by Dr. Galo Carreira, determined that Guyana met the criteria to claim an extended Continental Shelf.

It would be recalled that in May 2009, Guyana provided initial information to the Secretary General of the United Nations regarding our claim to an extended Continental Shelf. The submission that was made on Tuesday, 6<sup>th</sup>, represents Guyana full submission of a claim to an extended Continental Shelf. That submission is expected to be formally and orally presented by Guyana to the Commission on the limits of the Continental Shelf at its next session in April, next year.

Mr. Speaker, Guyana has acted in its interest and has taken action to ensure that in the future it has the legal basis to benefit from and protect its rights. In this context it is useful to recall that last year the Maritime Zones Act came into force. The promulgation of that comprehensive and modern piece of legislation constituted another key component of the Government of Guyana's strategy which is aimed at ensuring that Guyana and Guyanese can benefit from the resources in our maritime zones and to protect our rights in and to them.

I wish to point out that, in accordance with the provisions of the Convention, Guyana's jurisdiction in the Continental Shelf appurtenant to it beyond the 200 nautical miles will be restricted to the living resources that are in constant contact with the seabed, but not those in the water column between the sea bed and its surface, as obtains in the Exclusive Economic Zone. Guyana will, however, have exclusive jurisdiction over the resources under the seabed - that would include any hydrocarbon or mineral deposit.

I wish to make it clear that Guyana's submission has been made without prejudice to any future delimitation of maritime boundaries with neighbouring States. In fact, the Convention and the guidelines of the Commission preclude states from using the recommendations of the Commission as the basis for declaring or purporting to declare bilateral boundaries with neighbouring States. Between 2008 and 2010 Guyana entered into consultations with

Barbados, Suriname and Trinidad and Tobago with respect to the preparation of Guyana's claim and so promoted a *modus vivendi* whereby all four States would make their submissions without prejudice to eventual delimitation and without objections from the others. It was very important for Guyana to engage in such diplomacy since Guyana is geographically wedged in the middle of all three coastal States. It is a truism that all of the submissions made to the Commission on the limits of the Continental Shelf overlap.

I wish to express gratitude to the Geology and Mines Commission, especially Mr. Denison who worked very hard with the staff of the Ministry of Foreign Affairs in support of the work of Dr. Galo Carreira to complete this submission. I also wish to acknowledge the depth of gratitude which Guyana owes to the Commonwealth Secretariat and the German Institute for Geosciences for their unswerving support to the process that led to the completion of the submission. As I had mentioned earlier, Dr. Carreira has worked hard and methodically to ensure that Guyana has the best submission possible and as Minister of Foreign Affairs I wish to recognise his commitment and diligent work.

Finally, it would be remiss of me if I do not thank Mr. Keith George, Director of the Frontiers Division of the Ministry of Foreign Affairs for his commitment and hard work in putting all of the pieces together to ensure that Guyana's submission is of a high quality, with all the technical information required and, more so, for seeing this process to the end. I thank you.

## **INTRODUCTION OF BILLS**

### **Presentation and First Readings**

The following Bill was introduced and read for the first time:

**CHRISTIAN BROTHERS INCORPORATION (AMENDMENT) BILL 2011 – Bill No. 19/2011.**      *[Ms. Gail Teixeira]*

## **PUBLIC BUSINESS**

## **GOVERNMENT BUSINESS**

## **MOTIONS**

## **FINANCIAL PAPER NO. 3 OF 2011**

“BE IT RESOLVED:

That this National Assembly approves of the proposal set out in Financial Paper No. 3/2011 – Supplementary Estimates (Current and Capital) totalling \$2,104,478,083 for the period 2011-06-02 to 2011-08-30.” *[Minister of Finance]*

**Mr. Speaker:** Hon. Members, we will resolve ourselves into Committee to consider Financial Paper No. 3.

*Assembly in Committee of Supply.*

**Minister of Finance [Dr. Singh]:** Mr. Chairman, in accordance with article 171.2 of the Constitution, I signify that the Cabinet has recommended, for consideration by the Assembly, the motion for the approval of the proposals set out in Financial Paper No. 3 of 2011, Supplementary Estimates, Current and Capital for the period 2<sup>nd</sup> June to 31<sup>st</sup> December, 2011, totalling \$2,104,478,083, and I now move the motion.

*Question put, and agreed to.*

*Motion carried.*

#### **CURRENT ESTIMATES**

##### **Item 1 03-031 Ministry of Finance – Ministry Administration - \$450,623,677**

*Item 1 03-031 Ministry of Finance – Ministry Administration - \$450,623,677 agreed to and ordered to stand part of the Schedule.*

##### **Item 2 03-032 Ministry of Finance – Government Accounting Administration - \$104,000,000**

*Item 2 03-032 Ministry of Finance – Government Accounting Administration - \$104,000,000 agreed to and ordered to stand part of the Schedule.*

##### **Item 3 04-041 Ministry of Foreign Affairs – Ministry Administration - \$20,591,438**

*Item 3 04-041 Ministry of Foreign Affairs – Ministry Administration - \$20,591,438 agreed to and ordered to stand part of the Schedule.*

##### **Item 4 13-133 Ministry of Local Government and Regional Development – Regional Development - \$135,000,000**

*Item 4 13-133 Ministry of Local Government and Regional Development – Regional Development - \$135,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 5 21-211 Ministry of Agriculture – Ministry Administration - \$209,000,000**

*Item 5 21-211 Ministry of Agriculture – Ministry Administration - \$209,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 6 44-442 Ministry of Culture, Youth and Sport – Culture - \$10,000,000**

*Item 6 44-442 Ministry of Culture, Youth and Sport – Culture - \$10,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 7 47-472 Ministry of Health – Disease Control - \$11,071,620**

*Item 7 47-472 Ministry of Health – Disease Control - \$11,071,620 agreed to and ordered to stand part of the Schedule.*

**Item 8 51-1 Ministry of Home Affairs – Secretariat Services - \$2,000,000**

*Item 8 51-1 Ministry of Home Affairs – Secretariat Services - \$2,000,000 agreed to and ordered to stand part of the Schedule.*

**CAPITAL ESTIMATES**

**Item 1 01-011 Office of the President – Head Office Administration - \$25,000,000**

*Item 1 01-011 Office of the President – Head Office Administration - \$25,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 1 11-112 Guyana Elections Commission – National, Regional & Local Gov't Elections - \$530,618**

*Item 1 11-112 Guyana Elections Commission – National, Regional & Local Gov't Elections - \$530,618 agreed to and ordered to stand part of the Schedule.*

**Item 2 13-133 Ministry of Local Government and Regional Development – Regional Development - \$210,000,000**

*Item 2 13-133 Ministry of Local Government and Regional Development – Regional Development - \$210,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 16-161 Ministry of Amerindian Affairs - Amerindian Development – \$500,000,000**

*Item 3 16-161 Ministry of Amerindian Affairs - Amerindian Development – \$500,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 31-321 Ministry of Public Works and Communications – Public Works - \$150,000,000**

*Item 3 31-321 Ministry of Public Works and Communications – Public Works - \$150,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 4 41-415 Ministry of Education - Education Delivery - \$82,225,000**

*Item 4 41-415 Ministry of Education - Education Delivery - \$82,225,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** There is no item No. 5. I do not know if that is an omission, that is deliberate or accidental.

**Item 6 51-511 Ministry of Home Affairs - Secretariat Services - \$1,211,863**

*Item 6 51-511 Ministry of Home Affairs – Secretariat Services - \$1,211,863 agreed to and ordered to stand part of the Schedule.*

**Item 6 51-515 Ministry of Home Affairs – Guyana Fire Service - \$5,860,000**

*Item 6 51-515 Ministry of Home Affairs – Guyana Fire Service - \$5,860,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Thank you, Hon. Members. We can now move on to the next Financial Paper, No. 4. This is a much shorter one, thankfully, and it deals only with Capital Provision, Capital Estimates.

**FINANCIAL PAPER NO. 4 OF 2011**

“BE IT RESOLVED:

That this National Assembly approves of the proposals set out in Financial Paper No. 4 of 2011 – Schedule of Supplementary Provision on the Capital Estimates totalling \$542,948,950 for the period ending 2011-12-31.” *[Minister of Finance]*

## **CAPITAL ESTIMATES**

### **Item 1 31-312 Ministry of Public Works and Communications – Public Works - \$242,948,950**

*Item 1 31-312 Ministry of Public Works and Communications – Public Works - \$242,948,950 agreed to and ordered to stand part of the Schedule.*

### **Item 2 41-413 Ministry of Education - Ministry Administration - \$200,000,000**

*Item 2 41-413 Ministry of Education - Ministry Administration - \$200,000,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Thank you, Hon. Members. This completes consideration of Financial Papers, No. 3 and 4 of 2011.

I will now put the motion, which is that the Committee of Supply approve of the proposal set out in Financial Papers Nos. 3 and 4 of 2011, Supplementary Estimates, Current and Capital for the period 2<sup>nd</sup> June 2011 to 30<sup>th</sup> August, 2011, in relation to Financial Paper No. 3 of 2011 and for the period which ended on the 31<sup>st</sup> December, 2011 in the case of Financial Paper No. 4 of 2011, Financial Paper No. 3 of 2011 totalling \$2,104,473,083 and Financial Paper 4 totalling \$542,948,950.

*Question put, and agreed to.*

*Assembly resumed.*

**Dr. Singh:** Mr. Speaker, I beg to report that the Committee of Supply has approved the proposals set out in Financial Papers Nos. 3 and 4 of 2011, and I now move that the Assembly doth agree with the Committee in the said respective resolutions.

*Question put, and agreed to.*

*Motion carried.*

**Mr. Speaker:** Hon. Members we need now to adopt the Appropriation Bill. Hon. Prime Minister, will you move the suspension?

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** Mr. Speaker, with your leave, I move that Standing Orders No. 13 (n) and 54 be suspended to



enable the Supplementary Appropriation (No. 2 of 2011) - Bill No. 20 of 2011 be introduced at this stage.

*Question put, and agreed to.*

*Standing Orders suspended.*

**Dr. Singh:** Mr. Speaker, in accordance with paragraph (2), article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation (No. 2 of 2011) - Bill No. 20 of 2011 for consideration by the National Assembly and I now present the Bill to the Assembly and move that it be read the first time.

### **INTRODUCTION OF BILL AND FIRST READING**

The following Bill was introduced and read for the first time:

### **SUPPLEMENTARY APPROPRIATION BILL (NO. 2 FOR 2011) - BILL NO. 20 OF 2011**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2011, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

*Question put, and agreed to.*

*Bill read for the first time.*

**Dr. Singh:** Mr. Speaker, in accordance with paragraph (2), article 171 of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation (No. 2 of 2011) - Bill No. 20 of 2011 for consideration by the National Assembly and I move it be read a second time.

### **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

### **BILL – SECOND AND THIRD READINGS**

**SUPPLEMENTARY APPROPRIATION BILL (NO. 2 FOR 2011) - BILL NO. 20 OF 2011**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2011, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” *[Minister of Finance]*

*Question put, and agreed to.*

*Bill read a second time.*

**Dr. Singh:** I move that the Supplementary Appropriation (No. 2 of 2011) - Bill No. 20 of 2011, be read for the third time and be passed as printed.

*Question put, and agreed to.*

*Bill read for the third time and passed as printed.*

3.03 p.m.

**COMMITTEES BUSINESS**

**MOTION**

**ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE CRIMINAL RESPONSIBILITY OF HIV INFECTED INDIVIDUALS**

“BE IT RESOLVED:

That this National Assembly adopts the Report of the Special Select Committee on the Criminal Responsibility of HIV Infected Individuals, (Resolution No. 129 of 2010).” *[Minister of Health].*

**Minister of Health [Dr. Ramsammy]:** Mr. Speaker, thank you.

Mr. Speaker, I stand to present the Report of the Special Select Committee on Criminal Responsibility of persons living with HIV. This Resolution No. 129 was moved in the National Assembly on July, 2010 by the Hon. Member, Everall Franklin.

First, Mr. Speaker, let me, on behalf of the Members of the Special Select Committee, and I suppose all of us here, express our wishes for the speedy recovery of Mr. Franklin who has been unwell for some time now. I do know that he has been discharged from the hospital. We all wish him the best. Mr. Franklin has not been able to participate in the rich discussions that took place in the Special Select Committee, but we are grateful to Mr. Franklin for bringing the motion to the National Assembly in the first place. Mr. Franklin has been very careful to explain that his motion sought to address the mischief of wilful transmission of HIV.

Mr. Speaker I want to thank all of the Members of the Special Select Committee who participated in the rich discussion. We approached our work without the usual partisan approach and we sought to bring our own view points and, as best, attempted to make our own recommendations best for Guyana. We represented no particular interest groups and I thank all Members for this. I thank the organisations and individuals who made written and oral presentations.

Mr. Speaker this was another opportunity for individuals, members of the public to come to the National Assembly in provision that has been increasingly used by the Ninth Parliament and bodes well for the Tenth Parliament. I believe all of us here, in this National Assembly, are proud of the fact that we have made presentations by the public to Special Select Committees of the National Assembly and almost routine thing. The results of these deliberations and discussions have led to a unanimous position within the Committee, with Committee Members generally reflecting the presentations of organisations and individuals that made their views known. I thank all the organisations and the individuals that made presentations. We all agreed that the wilful transmission of HIV is unacceptable and is criminal, but we believe that there are general criminal laws that exist which address the wilful transmission of HIV. While we accept that the wilful transmission of HIV is a problem, we do not believe that the problem can be resolved by the criminalisation of HIV transmission. The Special Select Committee, after deliberations and after hearing the views of individuals and organisations, concluded that the criminalisation of HIV transmission has not been proven to prevent the spread of HIV; it merely encourages individuals not to get tested and increases the stigma and discrimination against those who are positive. This in turn can

lead to the increased spread of HIV from those who do not know their status, and do not know their status because of fear of testing.

The Committee and those citizens and organisation that came forward to make presentations to the Special Select Committee agreed that stigma and discrimination have proven to be the most powerful drivers of the HIV epidemic. The Committee noted that most people living with HIV who know their status, in fact take measures to avoid transmission to others. It is true, Mr. Speaker, that in the early days, when we did not know much about HIV, driven by fear some countries introduced criminalisation laws for HIV. The truth is we have made tremendous progress in fighting HIV in the last two decades. Globally there are fewer infections and fewer deaths; more people have access to prevention, treatment and care. Progress has been made and progress has been considerable. And the evidence is that in countries- at least the evidence that we were able to look at- where there are no criminalisation laws more considerable progress has been made. Guyana and many Caribbean countries stand out among these countries. Research has also failed to demonstrate that the criminalisation laws, where they exist, have made any difference in any country.

Just a few days ago, as this Special Select Committee was considering this matter, world leading scientist and practitioners joined leading experts and civil society representatives to discuss the scientific, medical, legal and human rights aspects of the criminalisation of the HIV, non disclosure, exposure and transmission. The meeting was organised by the UN Aid and took place in Geneva from the 31st August to the 2nd September this year. Participants reviewed key scientific, medical, public health and legal principles that should inform the application of the criminal law to HIV. They also discussed recent developments in a number of countries where the criminalisation of HIV is being reconsidered. Over the past two years, for example, an increasing number of countries, all over the world are questioning or reconsidering their laws and practices relating to the criminalisation of HIV transmission. On the 17<sup>th</sup> February, 2011, even as our Select Committee was considering this matter, Denmark's Minister of Justice announced the suspension of article 252 of the Danish Criminal Code. This text is reportedly, Mr. Speaker, the only HIV specific criminal law provision in Western Europe and has been used to prosecute several individuals. We are happy to see that they have suspended it. In 2010 a similar official committee was created in Norway to inform the ongoing revision of section 155 of the penal code which criminalises the wilful and negligent HIV transmission. In the United States, under President Barack Obama, in July, 2010, raised concerns about HIV specific laws which criminalises HIV

transmission or exposure. Law makers in Switzerland are currently reconsidering a draft provision relating to the criminal responsibility of HIV transmission and in the United Kingdom, Mr. Speaker, the Crown Prosecution Services referred to a CPS issued legal guidance on the Intentional or reckless sexual transmission and infection which sets out how prosecutors should handle accusations of HIV transmission. At least three African countries, Guinea, Togo and Senegal have recently revised their existing HIV related transmission or adopted new regulation that restricted the use of criminal law to exceptional cases of HIV transmission of HIV. In November, the Southern African Community Parliamentary forum, an organisation that brings together parliamentarians from all southern African countries adopted a monologue on HIV which did not recommend the criminalisation of HIV transmission similar to the monologue law that we have drafted. These positive developments indicate that parliamentarians, prosecutors, judges, health experts, people living with HIV and other key stakeholders across the world are increasingly aware of and concerned about the negative public health and human rights impact of the overtly broad criminalisation of HIV transmission and exposure.

Mr. Speaker, these were some of the considerations that the Special Select Committee used during our own discussions. And considering our own experiences in Guyana the Special Select Committee on Criminal Responsibility of HIV infected Individuals Resolution 129 of 2010 notes that there is no need for an HIV specific criminal law. My colleagues will discuss that a little bit more in detail. It also noted that criminalisation is counterproductive; that criminal laws dealing with HIV transmission are often unfairly and selectively enforced and the Special Select Committee believes that criminalisation places responsibility solely on the HIV positive person. We made a number of recommendations and these are outlined in the report before and I will not go through them. Mr. Speaker before I take my seat I do want to say this, whilst we have conclude that the criminalisation of HIV transmission is not the way to go and would be the wrong road for us to travel we also unanimously agree that Guyana's strategy and programme have worked. There has been vast improvement.

I want to take this opportunity to inform our own Members, to inform our country that our current approach has worked. We are winning the battle against HIV. The premise of the notion is that a criminalisation approach is necessary but we reject that notion. On the contrary our approach in Guyana to fighting the HIV and AIDS epidemic which includes a well informed citizenry with education and awareness at all levels throughout Guyana, prevention of HIV transmission, prevention of mother to child transmission, treatment and

cure for persons living with HIV and pursuing policies and strategies for reducing and illuminating stigma and discrimination have worked. By now we are all aware that the stories spread in the past that Guyana was the country in the Caribbean with the highest HIV prevalence is not through. We all now know that there are several countries with prevalence higher than ours. Indeed, the positive story in Guyana is that among pregnant women at the end of 2010, the prevalence was 0.88% less than 1%. Compared with 7.1% in 1995, this is a genuine prevention success story and has been achieved without the criminalisation of HIV transmission. In the year 2000, more than 850 women who gave birth to babies in our country were infected with HIV. In 2010 the number had dropped dramatically to 101, a more than 88% reduction. Almost 200 babies were born with HIV; they started their life with HIV, getting HIV from their mothers. There was no way then to prevent these babies from getting HIV from their mothers since testing was limited and access to medicines was non-existent. But by 2009 there were only eight babies born with HIV. From more than 200 to eight and for the last three years we have averaged five to eight babies. All pregnant women, today, in our country, no matter where they live, have access to HIV testing and counselling and all HIV positive women who are pregnant are receiving treatment to prevent the baby from being infected. In terms of the general population, before the year 2000 had a prevalence of three to five percent, last year it dropped to 1.3 %. Last November we tested, in one week, more than 32000 Guyanese and among that group only 0.6 % tested positive. Our efforts at preventing new HIV infections are working and are working well without the need to criminalise HIV transmission. I, therefore, cease the opportunity, because this year again which is scheduled for November but we are all aware that elections are coming and whilst I do not know when the elections will be held at the Ministry of Health we are not taking a chance that National testing week, in November, might clash with elections so we have changed the date. The national Testing week, this year, will be from October 2nd to October 7th. We are launching the National Testing week on the 15th and 17th of this month. I will have my public testing in Linden this year on the 15th. I am inviting, publicly, the Members of Parliament from Region 5 to join me on the 16th in Region 5 to get tested. We hope that 40,000 Guyanese will come forward to get tested that week. No country in the world on a per capita base can match us in Guyana when it comes to testing our people. Note that earlier this year the Caribbean had a National Testing Week and they tested just over 1000 people. Our goal is to test over 40,000 people in one country. In terms of Aids cases, this is persons infected with HIV going through the transition from being very sick, deathly sick and becoming Aids patients. Before 2003, every year about 500 cases of HIV persons going

through the transformation to becoming Aids patients. Last year, that dropped to 43 new Aids cases. People are being treated. They are being kept alive longer and they are not as sick as they use to be. In terms of mortality, people dying of Aids, before 2002 almost 10% of all deaths in Guyana were because of Aids by the end of 2008 this has dropped to 4% of all deaths in Guyana. Significant success stories, Mr. Speaker.

Last year we recruited 8000 persons to come forward to donate blood. Mr. Speaker of those 8000 people that came forward 0.1% tested positive for HIV. This shows the downward spiral but all me, I am taking a lot of liberty this afternoon because of the improved health services that we are doing around the country-surgeries and so on- the demand for blood has increased. So whereas in 2000 we only collected 1500 or 2000 units of blood we are not collecting 8000 units and it is not enough. I will hope that Guyanese who are 17 years and above and at least 110 pounds will take the opportunity to become blood donors. It is safe to donate blood and it is safe to receive blood in our country. We should all remember, Mr. Speaker you and I, all of us in this esteemed House, do not know that within the next hour, the next day, within the next week or the next month it might be our turn to receive blood. We have now a comprehensive treatment care and support programme with more than 3500 people receiving treatment and another 1200 being managed. We have the complete comprehensive diagnostic package- the same kind of treatment people receive in the Western Europe and in North America. These programmes have worked and Guyana stands testimony to the ill-advised path of utilising criminalisation laws to stop HIV. Criminalisation has never stopped public health scourges. Good public health response has stopped scourges like measles, like small pox and so on. Guyana needs to stay firm on the path of good public health responses and not use laws which have in the past proven counterproductive. This afternoon I present a report of the Special Select Committee and stand proud as a Guyanese- a Guyanese standing up and showing the world and like the scientist, the lawyers, the public health practitioners and people in general around the world today who are standing up on the right side we were bold enough to put the question on the table and in considering the question we have made our decision not to criminalise HIV transmission and allow public health approaches and the laws to deal with our response against HIV. We are winning this battle and so today our National Assemble has the report to reject the move to criminalise HIV transmission. Thank you very much.

**Dr. Mahadeo:** First I would like to say thanks for being given the opportunity to serve on this Special Select Committee. I want to congratulate the Hon. Minister of Health, the

Chairman of the Committee, for doing a good job and the staff of the Parliament Office for facilitating us, accommodating us and doing a good job all together. I also want to thank the organisations and individuals that came forward to make presentations. I must say, Mr. Speaker, that they were very strong in their views. One could see that these are people who believe in what they were saying and that they were also very knowledgeable.

It came out, quite clearly, that criminalising HIV could only add to the further stigmatising of HIV and those who live with HIV in Guyana. In fact we received submissions and at least one of the persons was HIV positive, the individual brought up 15 points why HIV should not be criminalised including the increase in domestic violence, including, like the Hon. Minister said, people not coming forward to be tested, including people not allowing their status to be known. It came out quite clearly, during the presentations, that countries that had implemented laws were now in the process of repealing those laws and in fact people were proud of the developments and progress that the Hon. Minister mentioned. One individual actually claimed that at one time Guyana was second on the list of countries with the most HIV positive patients and now the individual is proud that Guyana is not even listed on the top ten in the Caribbean. The individual actually said that:

"As a person living with HIV, I do not see Mr. Franklin's concern as illegitimate but I do believe the methodology will be very devastating and if you do not have persons living with AIDS as part of a prevention process then this process will not be a partnership and it will not work..."

The person went on to say how they are living with their family and how they cope. Mr. Speaker, I found in one of the presentations something very interesting, a quotation. This quotation was taken from the Hon. Michael Corbrian internationally recognised Australian jurist who remarked at an international conference some years ago:

"in addition to HIV a new virus has been detected that is sweeping the world. It is HIL-Highly Ineffective Laws."

Mr. Speaker this is why countries that have implemented laws criminalising HIV have gone back to repeal those laws and like the Hon. Minister said Guyana stands testimony to improvement in living conditions, decline in the amount of persons who are HIV positive and people developing into AIDS and dying from AIDS without these laws being implemented. People also mentioned in their presentations, Mr. Speaker, that they were already laws and



policy documents that we have which could be used to deal with these issues of knowingly infecting someone with HIV, THE Revised National Policy Document on HIV was quoted:

"Any individual with HIV/Aids has a responsibility and should be encouraged partners promptly and directly of their possible exposure to HIV."

It goes on with a lot of quotations taken from the document and presentations also mention that we could use other pieces of legislation that we already have existing to deal with the issue of knowingly infecting.

*3.33 p.m.*

If someone knows that they are HIV positive or is someone for that matter suspects that they might be infected, they will be unwilling to go and get tested as was presented by some youths at the Select Committee meeting. They said that knowing that you are HIV positive already makes you a possible criminal. So, their indiscretion with fellow youths and in discussion with other organisations, they said if this becomes a reality they are not going to go forward to be tested.

The Hon. Minister mentioned some of the positives that we have had. I would like to talk about what happened in Berbice, because I am integrally involved in the management of health in Berbice, especially in the week of testing and the World AIDS Day activity. Three years ago when we started offering HIV tests across the board, Children's Week of Testing, we had just over one thousand persons who came forward to be tested. In 2009 that figure increased to just less than three thousand. With the amount of work that has been going on not only by the Ministry of Health and its different branches across the country but also by the NGOs, faith based organisations, youth groups and other interested organisations. Education has proven to be one of the greatest helps in getting people to come forward and be tested. Last year in the Berbice Regional Health Authority 12,000 persons came forward to be tested, voluntarily. If we take into account that the Berbice population is about 120,000, we are talking about nearly ten percent of their population.

As it came out clearly in the sub-committee, the way to deal with HIV and the way to deal with persons who may deliberately want to infect others is not to criminalise all persons who are HIV positive and those who may become positive; it is education, it is hard work, and it is being able to have those people work with us in partnership in dealing with this scourge. Stigma and discrimination is one of the greatest threats to dealing with HIV/AIDS.

I would like to say that those who presented are not only of a particular age or of a particular race or gender, it was across the board. I think that the conclusion that we got from all these presentations, is that we should not criminalise HIV. Thank you.

**Mr. Speaker:** Thank you Hon. Members.

*Question put and agreed to*

*Motion Carried*

### **ADOPTION OF THE THIRD PERIODIC REPORT OF THE PARLIAMENTARY SECTORAL COMMITTEE ON NATURAL RESOURCES**

“BE IT RESOLVED:

That the Third Periodic Report of the Parliamentary Sectoral Committee on Natural Resources be adopted.“ *[Mr. Odinga Lumumba - Chairman of the Parliamentary Sectoral Committee on Natural Resources,]*

**Mr. Lumumba:** Mr. Speaker, first of all I would like to thank the Committee members, they were excellent. I would also like to thank Members of Parliament Mr. Donald Ramotar, Mr. Neendkumar, Mr. Parmanand Persaud and Mr. Steeve Ninvalle. The Committee was very effective. We had twelve sessions, and there was good participation from both sides of the benches. Our mandate of the Committee was derived from paragraph three of Constitution 19, which states that: “The Committee shall in the discharge of its scrutinising role examine all policies for the administration for each sector, to determine whether the execution of Government policy is cognisant with the principles of good governance and the best interest of the people of Guyana”. At times some Committee members felt that their instructions or prerogative would include telling Ministers and Members of Government what to do. Often we had to go back to our mandate to re-ensure that the policy position was to scrutinise and not to administer.

Our Committee’s areas of responsibility covered the Ministry of Public Works and Communication, in particular the bauxite industry, geological surveys, the geology and mines; the Ministry of Housing and water, in particular acquisition and beneficial occupation of non beneficial lands in Georgetown, New Amsterdam and other towns and our water resources. The Ministry of Agriculture, fisheries, other crop and livestock, in particular acquisition transferral and occupation of lands not beneficially occupied in Georgetown, New

Amsterdam and other towns; also the Office of the President in terms of natural resources and environment, forestry and forest policy, natural parks, wild life land use, turmoil and hydropower. Our approach was very simple, the Parliamentary Sectoral Committee on natural resources during the period under review utilised the consensus approach to optimise the scrutiny of Government policy and administration within the framework provided by its mandate.

Within the broad framework provided by its mandate to facilitate its oversight functions, the Parliamentary Sectoral Committee on Natural Resources (PSCNR) invited various Ministers and Public Officials to make presentations on priority issues identified by the Committee. Relevant supporting reports and documents were, in some instances, requested prior to hearings. The convening of hearings/meetings with various entities provided the Committee the opportunity to address urgent issues and developments within the sectors.

The Committee focused primarily on climate change, environment, land use, water resources, mining and energy sectors and the agriculture sector. In order to facilitate its work and to garner a substantial understanding of the various issues, the Committee requested documents and reports for the purpose of acquiring additional information as was required. Reminders were sent to those institutions that did not respond promptly. We would like to thank the Ministers of the Government for responding promptly and for being very effective and transparent. I notice that Minister Benn has turned around and after several requests he finally came.

### **Presentations**

The Hon. Prime Minister and the Minister of Public Works and Communication appeared before the Committee, along with a team of representatives, at the 24<sup>th</sup> Meeting held on the 28<sup>th</sup> July, 2010. His Team comprised of Mr. William Woolford, the then Commissioner acting of the Guyana Geology and Mines Commission; Mr. Kampta Persaud who is the manager of the Geological, Services Division; Mrs. Karen Livan, the presently acting commissioner of GGMC; Mr. Donald Singh, Geographic Information Officer and Mr. Mahendra Sharma, the Chief Executive Officer of the Guyana Energy Agency. The Hon. Prime Minister in an effort to address several issues provided information on the following:

- Mining Industry which includes large and small scale mining
- The Mining Act

- Mining Operations
- Illegal Mining
- New Mining regulations – the Guyana Geology and Mines Commission (GGMC) five year strategic plan
- Reclamation Mining
- Environmental impact of mining
- Energy development

The presentation by the Prime Minister and representatives by the Guyana Geology and Mines also highlighted the petroleum division, capacity building at the petroleum division, developments in the petroleum division, the allocation of areas for petroleum exploration and production sharing.

The Minister of Agriculture came with a very large team. As usual he is very flamboyant and energetic. His team comprised of Mr. George Jarvis, the Permanent Secretary of the Ministry of Agriculture; Mr. Elvis Jordan, the Head Administrator of the Ministry of Agriculture; Mr. Godfrey Marshal, the Director of the Forestry Training Centre; Mr. Derrick Cummings, the Executive Director of FPDMC; Mr. Prodeepn Bholanath; Mr. Tasreef Khan, Mr. Fedrick Flatts of the Ministry of Agriculture; Mr. Omkar Lochan, the Project Manager of the Ministry of Agriculture; Mr. Sharma Dwarka, the Factory Operations Manager of GuySuCo; Mr. Lionel Wordsworth, the Chief Executive Officer of NOTA; Mr. Gary Baird of the Fisheries Department of the Ministry of Agriculture and finally Mr. Garvin Cummings of the Hydro Meteorological/Hydrologist.

The Hon. Minister of Agriculture highlighted in his presentation the issue climate change. He spoke about extreme weather events in Guyana, the role of the National Meteorological and Hydrological Services in climate change, current meteorological and hydrological monitoring network and specific mandate of the Hydromet Office. He also spoke about the fisheries sector. He spoke about fisheries management and the importance of fisheries resource et cetera. He spoke about renewable energy and bio energy development et cetera. He went in detail about the forestry and forestry policy in relation to climate change, the global role of forest in climate change, mitigation activities in the Low Carbon Development Strategies, Guyana Forestry Commission et cetera. He also spoke about the National Drainage and irrigation authority and the importance of drainage and irrigation et cetera.

The final Minister to appear was the Hon. Robeson Benn, the Minister of Transport and Hydraulics and team of representatives. Mr. Robeson Benn, the Minister of Transport and Hydraulics, appeared before the Committee at the 29<sup>th</sup> Meeting held on May 4<sup>th</sup> 2011 and made a presentation on sea defences. His team comprised of Mr. Rickford Lowe, the Coordinator of Works Services Group; Mr. Geoffrey Vaughn, the Chief Sea and River Defence Officer and Mr. Walter Willis, the Technical Adviser to the Hon. Minister of Transport. The Minister highlighted the following issues during his presentation: the Sea and River Defence Division, he spoke on the capacity building for surveyors and engineers, sea defences reserves and their contribution to the difficulty in managing sea defences, he spoke at length of the reduction in the cost of sea defences construction and management, challenges in the Human Resources, Reconstruction of groins and squatting on the sea defences reserves and its effects on sea defence management.

In conclusion, it must be noted that the Parliamentary Sectoral Committee on Natural Resources have completed the majority of work outlined in its work-programme. Also, the Minister of Government and Head of Agency attended the meeting were very cooperative, which proves once again that the PPP as a Government is very transparent. Thank you.

**Mr. Speaker:** Thank you Hon. Member. Anyone else to speak Hon. Prime Minister?

*Question put and agreed to*

*Motion carried, Report adopted*

Hon. Prime Minister we omitted to ask you for the deferment of the motion in relation to Public Utilities Commission.

## **MOTION**

### **ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2011**

“BE IT RESOLVED:

That this National Assembly adopts the Report of the Special Select Committee on the Public Utilities Commission (Amendment) Bill 2011 – Bill No. 17 of 2011.”

*[Prime Minister and Minister of Public Works and Communications - Chairman of*

*the Special Select Committee on the Public Utilities Commission (Amendment) Bill 2011 and the Telecommunications Bill 2011]*

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** Mr. Speaker I beg that the motion be deferred to a later date.

*Motion deferred.*

## **ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE TELECOMMUNICATIONS BILL**

“BE IT RESOLVED:

That this National Assembly adopts the Report of the Special Select Committee on the Telecommunications Bill 2011 – Bill No. 18 of 2011.”  
*[Prime Minister and Minister of Public Works and Communications - Chairman of the Special Select Committee on the Public Utilities Commission (Amendment) Bill 2011 and the Telecommunications Bill 2011]*

**Mr. Hinds:** Mr. Speaker I beg that the motion be deferred to a later date.

*Motion deferred.*

**Mr. Speaker:** Thank you very much. Unfortunately Hon. Members, this brings us to the end of our business for today.

## **ADJOURNMENT**

**Mr. Hinds:** Mr. Speaker, I move that the House be adjourned to next Thursday, the 15<sup>th</sup> of September.

**Mr. Speaker:** The House is so adjourned. Thank you very much.

*Adjourned accordingly at 3.46 p.m.*