**Government of Guyana submission on OHCHR Questionnaire on Human Rights and Standard of Living**

**October 24, 2014**

Section A

*1. Please identify the levels of government (national, provincial/state, municipal) primarily responsible for the following: (where primary responsibility is shared please check more than one):*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **National / Federal** | **Provincial / State** | **Municipal** | **Explanatory notes** |
| Housing Programme |  |  |  | **i) National Housing Programme;-**  Guyanese have access to the government housing programme. This national programme commenced in 1994. Low income and poor households can apply and are able to purchase houselots at subsidized prices. They have up to 2 years to complete payment to the Central Housing and Planning Authority (CHPA) after which they receive title/transport for the land. They are then eligible to approach a commercial bank for a loan of up to  GY$5Million USD$25,000) at a concessionary low interest negotiated between the Government and bankers for this benefit.  The national housing programme is located in all 10 Administrative Regions of the country.  Guyana’s national housing programme has provided subsidized standardized houselots for low and middle income families. The majority are low income families.  In the past 20 years, approximately 100,000 households have benefitted from this scheme.  **ii) Low Income Settlement Programmes**  Construction of Core houses by the CHPA:  This is a new component of the national housing programme which commenced in 2010 to assist the poorest percentile of the population who cannot afford to acquire a low income houselot and construct a house. Under the Core House Pilot, 400 households of low affordability, including household heads with disabilities, and female-headed households, have benefited from core houses (starter homes) in Administrative Regions 3, 4, 5, 6, 9 and 10. Under this pilot the government subsidized 95.2% of the cost of home construction, and the beneficiary is required to pay one hundred thousand Guyana dollars (G$100,000)(USD$500) towards their home construction.  Turn key houses- this is also another new programme under the CHPA where people can buy a low income house and land with all the connections for utilities for $ 5Million GY ( USD $ 25,000). They can apply to the commercial banks for a low interest mortgage with certification from the CHPA.  **iii) Squatter regularization programmes**  By 2013 18,000 households in squatter settlements which emerged over 3 decades were regularized. The Government provided services (water supply, electricity, roads etc) and also security of tenure in the form of Transports and Certificates of Title to Land to regularized squatters.  **iv**) **Remigrant housing programme**  This new programme commenced in 2011 to attract and facilitate Guyanese in the diaspora returning and owning land and houses in government/private developers partnership schemes. |
| Income support (eg: transfer to individuals, social security and/or rent subsidies/supplements) |  |  |  | **i) Mortgage Interest Relief:**  was introduced in 2013 by statute which provides for first time home owners who are holders of mortgage loans of up to GUY $30 million (USD$150,000) granted to them by commercial banks or the New Building Society being permitted to deduct the interest they pay on such mortgages from their taxable income for the purpose of personal income tax.  **The Fiscal Enactment ( Amendment) Act No 12 of 2013** provides for mortgage relief as outlined above.  **The following statutes were amended over the last 10 years to facilitate these forms of relief.**  **Income Tax Act**: Consolidated Tax Act of Guyana, Volume 1: Chapter 81:01, Revised Edition 2008 – Exemption of approved mortgage finance company from payment of tax (20 of 1968, 6 of 2000). Sections15 (2), (3A)  **The New Building Society Act and Amendment Act No. 5 of 2000** insertion of new section 7A enabling the grant of a mortgage for movable property to an allottee in a Government Housing Scheme; also enabling the Minister of Housing, acting for and on behalf of the State to issue a Letter of Assurance that the title to the land allocated shall be deemed to be conveyed to the allottee on the date of the grant of the mortgage.  **OTHER Income Support:-**  i) **Income tax relief** – workers earning less than $50,000 GY a month or a total of $600,000 GY ( $3000USD) annually do not pay any income tax.  Approximately 40,000 workers and their families benefit from this relief.  ii) **No VAT charged** - A number of construction items that are produced in country do not carry **VAT** therefore assisting with keeping the prices down for low income builders.    iii) **National Insurance Scheme**- all employees, employers and self employed are required by law to contribute to the NIS; this scheme provides medical assistance, pensions, maternity and funeral benefits to the contributors.  iv) **Universal Old Age Pension**- all citizens 65 years and over are entitled to receive a monthly pension which is approved by the National Assembly annually. There are neither eligibility criteria nor a means test, only that the person must have reached the age of 65.  v) **Universal School Uniform Allowance**- all children enrolled and attending public funded educational institutions inclusive of nursery, primary and secondary students receive a school uniform voucher to acquire shoes, uniforms or book bags at the end of each school year. These schools under the Ministry of Education cater to over 80% of all children enrolled in schools. Children enrolled and attending private schools are not eligible.  vi) In 2014 “**Because We Care**” programme was introduced whereby each child enrolled as of (v) above receive an annual cash grant of GY$10,000 ( $50 USD) to assist families to ensure their children attend school. Total disbursement GY$2Billion (USD$20M).  vii) **School feeding programmes** are offered in the interior nursery and primary schools and some coastal schools based on nutritional assessments.  viii) **Women of Worth Programme**, a micro-credit scheme offered by the government in partnership with a locally owned commercial bank, specifically targeting women and female headed households.  ix) **Single Parent Assistance Programme** run by the Ministry of Labour, Human Services and Social Security offers training, a grant for day care facilities, and small project funds to start up micro economic activity by single headed housholds.  x) **Special and Difficult Circumstances** programme managed by the Ministry of Human Services and Social Security, this is a one- off assistance for families going through difficult time ( funerals, medical attention, special pharmaceuticals) |
| Tenure and security of tenure |  |  |  | **Housing programme-** By acquiring title or transport for their land, people have been able to have security of tenure and now have collateral which they can use to acquire other items, develop businesses etc through loans from the commercial banks  -**Land-** the largest land owner in the country is the state, the second largest landowners are the Amerindian (indigenous) communities who own communal land titles to 14% of Guyana’s land mass.  The majority of land is distributed by lease or free hold in the agricultural sector and by licenses in the mining and forestry sectors.  Private land owners are the smallest group. |
| Infrastructure (eg: Water/sanitation, electricity) |  |  |  | **Infrastructure-** the CHPA prepares the land for demarcation for houselots, roads and drainage in each government housing scheme. The CHPA/Ministry of Housing and Water builds the roads and drainage (Guyana is flood prone), and brings in the basic infrastructure for water and electricity. The houselot owner pays for the connection to his home from the road or nearest connection point. On completion of the scheme the CHPA hands over the scheme to the local government authority-- Neighbourhood Democratic Council or Municipality.  The Houselot owner then pays annual rates and taxes to the relevant local government authority.  **The Subsidies for Water and electricity**- elderly persons can apply and access an annual waiver on their electricity and water bills once these bills are in their names. |
| Prohibition of discrimination in housing |  |  |  | **The Constitution of the Co-operative Republic of Guyana Act:** Chapter 1:01, Article 26, provides for the right to housing: Every citizen has the right to proper housing accommodation. Article 154 prohibits any form of discrimination and provides for protection from discrimination on the griounds of race, gender, class et cetera.  The above mentioned programmes illustrate that Guyana’s programmes are focused on poverty reduction and improving access to and equitable distribution of goods and services offered by the state to the poor and vulnerable ( women, children, Amerindian, elderly, youth and differently- abled) in the society. |

*2. What are the primary bases for the allocation of responsibilities among different levels of government? Please identify the appropriate provision(s) and appropriate a copy or link if possible:*

* **The Guyana Constitution Cap: 1:01**
* **National framework legislation of housing strategy- Housing Act, Chapter 36:20** and a series of other statutes governing Land, financial and banking, etc.

Link: See <http://www.legalaffairs.gov.gy/information/laws-of-guyana/> and <http://www.chpa.gov.gy>

*3. What role does the national level government play in relation to housing and related programs? How is compliance with the right to adequate housing structured between the national and sub-national levels? If possible please kindly provide concrete examples of how these roles and compliance mechanisms are operationalized.*

*- What role does the national level government play in relation to housing and related programs?*

The Government of Guyana, through the Ministry of Housing and Water and the Central Housing and Planning Authority, plays a very central role in housing and housing development programmes in Guyana.

Under British colonial rule, a Central Authority was established in 1946 to provide housing for the working class. In 1948 the Central Housing and Planning Authority (CHPA) superseded this body. With the establishment of the institutional framework for public housing at a national level, this period in the late 1950s marked a breakpoint in the history of housing development in Guyana. The period saw government building houses for the poor and working class which they rented at very low rates in the capital city and on the sugar estates through the Sugar Industry Welfare Fund (SILWF).

Between the years 1980 to 1992 the government housing programme collapsed and the Ministry of Housing was closed down.

In 1992 the assessment of poverty levels showed that 61 % of all Guyanese were living below the poverty line.

With the change of government, at the first free and fair elections in 28 years, in October 1992, the focus was on developing and implementing a pro-poor pro-growth approach to the national developmental agenda.

In 1994 the government launched a national housing supply driven programme in compliance with its international treaty obligations of people’s right to shelter, water and safe accommodation and the national imperative to reduce poverty and provide adequate housing accommodation in accordance with the Guyana Constitution. This programme continues to date and has benefitted over a 100,000 households across all 10 Administrative Regions.

The CHPA’s mandate and responsibilities have grown over the last 20 years. The agency is supported by the annual housing budget which has grown significantly and in 2014 is approximately 3.3% of the National Budget 2014. The Building and Construction Sector contributes 6.21% to GDP ( GDP 2013 US$3.076 Billion) ( World Bank) and 22.6 % of economic growth in 2013.

The CHPA provides and facilitates: the divestment of government land to eligible Guyanese for residential use; development of housing schemes and regularization and upgrade of squatter settlements; progressive development of land, cities, towns, urban and rural areas; granting security of tenure; preparation of development plans for urban centers; provision of services such as access roads, internal road networks, water distribution networks, drainage and electricity; collaboration with stakeholders for the development of sustainable communities (public private partnerships as well as working with development partners).

During the last ten years, the government has met annual housing production targets by increasing the allocation of budget and non-budget resources (land) to the housing sector and stimulating local production through fiscal and other incentives.

The Government of Guyana’s interest rate subsidy for example, helps to lower the borrower’s income requirements and makes loans more affordable: the **Mortgage Interest Relief** programme was introduced in 2013 under which first time home owners who are holders of mortgage loans of up to GY $30 million (US $150k) granted to them by commercial banks or the New Building Society will be permitted to deduct the interest they pay on such mortgages from their taxable income for the purpose of personal income tax. In other words, that portion of taxable income used by a first time homeowner to pay interest on a housing loan of up to GY $30 million (US $150k) from a commercial bank or building society will be exempt from personal income tax. According to the Guyana Revenue Authority, in 2013 approximately 1,487 persons have so far applied under the Mortgage Interest Relief scheme.

In addition, through public private partnerships, the government has negotiated lower prices (discounted rates) on selected construction materials for low and middle income groups who are keen on building their home has also proved to be a great stimulus for housing and the manufacturing sector.

Certain construction materials produced in Guyana are not subject to the Value Added Tax (VAT).

With more and more persons having security of tenure and property assets, commercial banks and lending institutions are more incentivized to provide and expand their home financing services to attract these new and potential borrowers. With an increased ceiling on loans granted to mortgage financiers coupled with land assets that can now be collateral against mortgage loans, commercial banks and lending institutions can now include a wider segment of potential customers who prior to having land titles would not have met the requirements to access mortgages. Furthermore, commercial banks that grant low-income families access to loans are not required to pay corporate taxes on income earned from these mortgages. In addition, mortgage finance institutions that offer low-income mortgages may be immune, at Government’s discretion, to the minimum reserve requirement in relation to liabilities used for mortgage financing.

Most noteworthy of this national housing programme is that it has succeeded in the following achievements:-

* Lifted thousands of families out of poverty (extreme poverty below 18% 2008);
* Provided security of tenure for thousands of poor and working people ;
* Opened the doors for thousands of people to access loans who were excluded before due to poverty;
* Percentage of female headed households increased significantly;
* Percentage of women who own property in their name has contributed to greater economic independence;
* Reduced the impetus for the creation of squatter settlements to a minimum;
* Provided safe and clean accommodation for families and ended the past practice of large numbers of extended families living in one house with outhouses and yard water due to lack of housing;
* Access to clean potable water and electricity increased to 90% ;
* Created new peri-urban centres in the coastal and interior regions outside of the capital city;
* Created new communities that are mixed ethnically unlike the post violence of the 1960s which resulted in the separation of races into different villages;
* Providing access to goods and services in new housing schemes such as the construction of new schools, health centres, malls, hospitals and police stations;
* Provision of land in the schemes for houses of worship and playgrounds;
* Created a boom in the construction sector that now contributes over 22.6% of economic growth;
* Created 5000 jobs in the housing and construction sector and a shortage of semi- and skilled labour in this sector;
* Expanded the tax basis for the local government bodies with new schemes.
* Encouraged the creation of new community based organizations such as community policing groups, community development groups to enhance belonging and care of the new communities.

***Note: Given the economic, political, geographic and demographic features of Guyana, housing and housing related programmes are chiefly addressed at the national level and not at the sub-national levels and therefore questions 4 and 5 of section A and all questions in section B, which mostly revolve or focus on the role and accountability of sub-national governments on the right to adequate housing, have not been completed.***