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U.S. Department of State

Guyana Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

GUYANA

The Co-operative Republic of Guyana is a small, developing democracy with a unicameral 65-member parliament chosen by direct elections in a multiparty political system. The President appoints a Prime Minister and a cabinet. In March President Cheddi Jagan of the Peoples' Progressive Party (PPP), who had been elected in 1992 in the first democratic election since 1965, died suddenly. Prime Minister Samuel Hinds was sworn in as President that month in an orderly and peaceful transition. On December 15, citizens voted in free, fair, and nonviolent national elections. The PPP won a parliamentary majority, and PPP candidate Janet Jagan, widow of the late president, was sworn in as President on December 19. However, the major opposition party refused to accept the election results and initiated court action; at year's end, arrangements were made for a high-level Caribbean Community team to mediate the dispute. There is a constitutionally independent, albeit somewhat inefficient, judiciary.

The Guyana Defence Force (GDF) and the Guyana Police Force (GPF) are under civilian control. The GPF has the authority to make arrests and maintains law and order throughout the country. The GDF is a professional military responsible for national defense, internal security, and emergency response. The President deployed the GDF on occasion to support police efforts to control crime. Members of the police committed human rights abuses.

Guyana is a very poor country. The economy, which for years was centrally planned and controlled, is based on a mix of private and state enterprises. Rice, sugar, bauxite, and gold are the major exports. Although annual economic growth has averaged more than 6 percent over the past 4 years, the standard of living for most citizens is very low. More than half live in poverty, and per capita gross domestic

product is estimated at about \$760. External debt is high. There are severe shortages of skilled labor, and the economy is constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications.

The Government's human rights record remained the same. Extrajudicial killings by police were a serious problem, but the authorities took steps to investigate and punish some of the perpetrators. Police continued to abuse suspects, and prison conditions were poor. The inefficient judicial system results in long delays in trials and lengthy pretrial detention. Other human rights problems included societal violence against women and children, and discrimination against women, minorities, and indigenous Amerindians. Some limitations on worker rights persist, but trade union activity was generally free of political interference.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings. However, police were responsible for numerous extrajudicial killings. The Guyana Human Rights Association (GHRA) reported that police killed 24 civilians through August, compared with 18 in all of 1996 and 11 in 1995. The Police Commissioner's office challenged this figure, saying that the situations warranted the use of lethal force.

The GHRA and other human rights activists have singled out the GPF's "impact squad" for its especially violent tactics. An elite group of mobile teams formed in 1995 to provide immediate response to criminal activity, the impact squad faces many of Georgetown's most difficult criminal situations. However, a number of cases led the human rights community and the public to question the impact squad's techniques and discipline. In January impact squad members shot and killed Brindsley Davis near his family's home in Georgetown. The Police Commissioner's office issued a statement saying that Davis had attacked police officers with a machete as they were attempting to arrest him for robbery. However, family members and other eyewitnesses told the press that police cornered Davis in an outdoor bathroom, ordered him to come out with his hands in the air, then shot him when he complied. By year's end, the Police Commissioner's office had released no further investigation results.

In a similar case, relatives told the press that police summarily executed Carl Fields in his home in the town of Agricola in January. According to their statements, at least 12 police officers entered Fields' home, told him to lie on a bed, then killed him with 2 gunshots. Police stated that Fields was wanted for robbery. The coroner's inquest papers were filed in September, and a magistrate's court was examining them at year's end to determine criminal liability.

In August a member of the impact squad shot and killed Adam Sescotte, an escaped prisoner. According to numerous eyewitnesses, police were taking Sescotte into custody when one officer suddenly pulled a revolver and killed him with gunshots to the chest and head. The police arrested and brought charges against the officer in question.

In June police shot and killed Poke Puneshwar, apparently without motive. According to witnesses who were in a canoe with Puneshwar, police fired multiple shots at them, killing Puneshwar. The police later issued a statement saying that the officers involved were in pursuit of smugglers and that the shooting was the result of a case of mistaken identity. The GHRA, however, reported that the police were drunk. The commissioner's office opened an investigation into the matter, and the authorities arrested and

brought charges against five persons.

The police responded to these three cases of alleged extrajudicial killings more rapidly than in past years. The Police Commissioner and the Department of Public Prosecutions (DPP) opened extensive investigations, and the DPP reported that the police did not interfere with its independent analysis of the cases. The DPP expects those charged to face trial.

In August family members alleged that Bonitus Mark Winter, an Amerindian, died as a result of a brutal police beating. According to the family's complaint, Winter was arrested on August 9 on a misdemeanor charge, allegedly beaten into unconsciousness, then thrown into the Brickdam police precinct jail. He was released on August 16, but died of head injuries in a hospital on August 22.

Very poor prison conditions and inadequate medical treatment contributed to the death of several prisoners (see Section 1.c.).

The GPF's standing orders officially permit the use of firearms only when other means have been exhausted. However, many justice authorities and human rights activists say that because of rising crime and pressure from urban businesses, which are often the targets of criminals, the Government has taken a lax attitude toward investigations. In general, police abuses are committed with impunity. The statutorily independent Police Complaints Authority (PCA) is required to transmit all complaints to the police commissioner; both human rights groups and the PCA have criticized the commissioner for his failure to investigate these complaints properly. Even when police officers do face charges, most of the cases are heard by lower magistrate courts, where other specially trained police officers serve as the prosecutors. As a result, no police officer accused of committing a human rights violation has ever been convicted on criminal charges. Nevertheless, during the year the PDF moved to open investigations more quickly, and its leaders began to take steps to increase accountability for violence and other abuses committed by its members.

The courts made progress on two cases that human rights activists had cited as examples of police impunity. In a case that attracted much public attention, justice officials dropped murder charges against lance corporal Robert Beresford, who had been charged with the May 1996 killing of Jermain Wilkinson. However, after an extensive investigation, the DPP reinstated the equivalent of second-degree murder charges against Beresford, who is expected to face trial in 1998. The trial of two police officers charged in September 1996 with shooting to death GDF soldier Ulrich Lynch in New Amsterdam began in December.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and there were no known incidents of it. However, there were credible reports that criminal suspects were beaten severely while in custody of the GPF. In addition, several cases of wounding by the police of citizens who were not necessarily criminal suspects were reported. On January 17, a police patrol detained Shawn Williams, drove him to a remote location out of town and allegedly beat him while he was handcuffed. Williams reported that the beating occurred in the presence of a senior police official. In February Beresford Dey suffered two broken ribs after police beat, kicked, and struck him with a rifle butt, apparently because he failed to show them proper respect. In June police shot taxi driver Terrence Holder in the mouth. Holder and a passenger told the GHRA the police were

angry because he had not pulled over quickly enough. In August the GHRA met with the Minister of Home Affairs and formally requested investigations of these and nearly 90 other cases of excessive police force dating back to 1995. The Bourda market case, in which constable Oscar Cambridge shot and permanently crippled Frankie Figueira in May 1996, is also unresolved.

Although the PCA is the principal body charged with looking into complaints of police brutality or abuse, it has no power to interview police officers or witnesses and must rely on material submitted by the police. The PCA refers cases of alleged abuse to the Police Commissioner. Investigations of such charges rarely result in serious disciplinary action, and most police abuses are committed with impunity. Officers charged as a result of complaints to the PCA are routinely suspended for a few days and sometimes fined, but rarely jailed. Critics of this process complain that the police force is responsible for investigating itself.

Prison conditions are overcrowded and life-threatening in Georgetown's Camp Street prison, the country's largest. Conditions in the four smaller prisons are generally adequate. For most of the year, Camp Street prison held between 900 and 1,000 prisoners in space initially designed to hold 350. Through August eight persons died in prison, most from diseases such as tuberculosis, pneumonia, and AIDS. While many enter prison with these conditions, prison authorities admit that overcrowding contributes to the spread of disease. In August inmates in the second largest prison, at Mazaroni, rioted and destroyed three of the facility's buildings. According to press reports, one prisoner died in the disturbance, and the Government was forced to move 100 more inmates to Camp Street. The only women's prison is at New Amsterdam, a facility that holds men and women in separate dormitory-type buildings.

In January magistrate Cecil Sullivan and director of prisons Cecil Kilkenny opened investigations into the death of Leon Stewart, who had allegedly died because of Camp Street's overcrowded conditions. Kilkenny eventually released a statement saying that Stewart had had a history of previous illness; however, Kilkenny did not deny that overcrowding may have contributed to the death, and he reported that prisoners who became ill or who were injured often went months without receiving a doctor's treatment. The Government reacted to Kilkenny's report by assigning more full-time nurse practitioners and pharmacists to the prison system and by requiring that doctors visit prisons more regularly. Prison directors and inmates reported that, over the course of the year, medical coverage improved.

In addition to overcrowding and a lack of medical personnel, poor staff morale is a serious problem within the prison system. The GHRA reports that prison staffers are poorly paid, and that their salaries and benefits do not compensate for the on-the-job risks. Prison officials lobbied the Government for increased funding to improve prison conditions. Prison officials were receptive to local and international NGO's requests to enter and inspect prison facilities and encouraged NGO-sponsored efforts to improve physical and sanitary conditions.

The GHRA participates as a member of the prisons' visiting committee, which investigates prisoner complaints, inspects diets, reviews primary medical care services, and provides recommendations to prison authorities. The GHRA also participated in training and development programs for prison staff and a family visit program for children of female inmates in the New Amsterdam prison.

Although sanitary and medical conditions in police station temporary holding facilities vary from station to station, in most cases these conditions are worse than in the prisons. Some such jails are bare, overcrowded, and damp. Few have beds, wash basins, furniture, or utensils. Diets and food preparation are of inconsistent quality. Each cell can have up to five persons, but rarely a toilet. Inmates are sometimes escorted by staff members outside the cells to use holes in the floor for toilets. Inmates generally sleep on a thin pallet on the concrete floor. The East La Penitence police jail, where female

prisoners are held until sentencing, is below standard compared to other jails and prisons in the country. Although precinct jails are intended to serve only as pretrial holding areas, some suspects have languished there as long as 4 years, waiting for the overburdened judicial system to take action on their cases.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be deprived of personal liberty except as authorized by law and requires judicial determination of the legality of detention, a mandate that the authorities generally respected in practice.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged. Bail is generally available, except in capital offense cases. In narcotics cases, magistrates have limited discretion in granting bail before trial but must remand persons convicted on narcotics crimes into custody, even if an appeal is pending.

Exile is not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The court system is composed of a High (Supreme) Court, a national court of appeal, and a system of magistrate courts that have branches in the various regions of the country.

Magistrates are members of the civil service and are trained lawyers. The magistrate courts deal with both criminal and civil matters. The Ministry of Legal Affairs headed by the Attorney General is the principal legal advisor to the State. The Director of Public Prosecution is statutorily independent and can file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law. This right is respected in practice.

Delays in judicial proceedings are caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, and the slowness of police in preparing cases for trial. The inefficiency of the judicial system is so great as to undermine due process. The GHRA asserted that prisoners are often detained for 3 or 4 years while awaiting trial; however, the authorities denied that delays were this long. Defendants are granted public trials, and appeal may be made to higher courts. Appeals of some murder cases have experienced long delays. Trial postponements are routinely granted to both the defense and the prosecution. However, programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts are having a positive effect.

Although the law recognizes the right to legal counsel, in practice, with the exception of capital crimes, it has been limited to those who can afford to pay. The Georgetown Legal Aid Clinic, with public and private support, provides advice to people who cannot afford a lawyer, with a special interest in cases of violence against women and criminal cases related to civil cases in such matters (e.g., assault as part of a divorce case). The Government provides a small cash grant for the clinic as well as the services of a

lawyer from the Attorney General's office. Apart from these efforts, very few lawyers provide free services in criminal cases. Defendants in murder cases who need a lawyer are assigned an attorney by the court. The Guyana Association of Women Lawyers provides free legal services for civil cases only.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for these rights, and the Government generally respects them in practice. Law enforcement officials must obtain legal warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were numerous reports of police officers searching homes without warrants, particularly in neighborhoods where narcotics trafficking is a problem.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. Citizens openly criticize the government and its policies.

The Government's daily newspaper, the Guyana Chronicle, covers a broad spectrum of political and nongovernmental groups. The independent Stabroek News continued to publish daily, and a wide range of religious groups, political parties, and journalists publish a lively variety of privately owned weekly newspapers.

While the printed press flourished, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. There are only three licensed radio stations, all of which are government-owned and -operated. Private interests alleged that the Government either denied or failed to respond to more than 20 requests for radio frequency authorizations. The Government maintained that it is unable to grant frequencies to private stations because there is no legislation governing their allocation. Despite a similar lack of legislation to govern television frequencies, however, there were 17 independent television stations in addition to the government station.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right. The Public Order Act requires police permits for mass political meetings. The Police Commissioner has the authority to refuse permission for a public meeting if he believes that it will provoke a breach of the peace. In cases of refusal, applicants can appeal to the Minister of Home Affairs whose decision on the matter is final. Political parties and other groups held public meetings and rallies throughout the country without hindrance.

The Constitution also provides for freedom of association, and the Government generally respects this right.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Members of all faiths are allowed to worship freely, and there are no restrictions on foreign religious proselytizing.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within Guyana. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect the indigenous people from exploitation. In practice, however, most people travel throughout these areas without regard to the formality of a permit. Citizens are free to travel abroad, to emigrate, and to return.

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not have a fixed policy on refugees or asylum but is studying draft model legislation prepared by the UNHCR. The issue of provision of first asylum did not arise; there were no reports of forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens enjoy this right and exercised it in free, fair, and nonviolent elections held on December 15. The unicameral Parliament is chosen by direct election in a multiparty political system based on proportional representation. Any citizen 18 years or older can register to vote. The leader of the party that obtains a plurality of seats in Parliament during national elections becomes President, with a 5-year term of office, unless the party loses control of Parliament or calls elections earlier. The President appoints a cabinet and a Prime Minister who, with the President, exercise executive power. Citizens are free to join or support political parties of their choice and established nearly 20 new ones in 1996.

In addition to choosing a president, voters elected a new Parliament, in which 4 political parties were represented. The two major parties--the PPP and the People's National Congress (PNC)--are largely formed by Indo-Guyanese and Afro-Guyanese, respectively. As was the case during national elections in 1992, local and foreign independent observers judged the election to be free and fair. However, the leader of the PNC stated that his party would not accept the election results, alleging that they were rigged. The PNC initiated court action and called on its supporters to demonstrate in the streets. These remained largely peaceful and ceased after a high-level team from the Caribbean Community arrived in early January 1998 to mediate the dispute.

There are no legal impediments to participation of women or minorities in the political process, but they are underrepresented in government and politics. The 19-person cabinet included 3 women, and the country's second-highest judge is a woman. The 72-member Parliament included 12 women and 10 Amerindians, representing both major parties. As a result of the December elections, for the first time the President is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Guyana Human Rights Association, the most active local human rights group, functioned without government interference.

The GHRA is a nongovernmental organization (NGO) formed in 1979 with the participation of trade unions, professional organizations, various ethnic groups, and churches. It issues periodic press releases

and publishes an annual report on human rights in Guyana. Various local church and neighborhood groups formed to criticize the Government's human rights policies or to demand action; the Government did not hinder their activities. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports. The authorities did not interfere with the activities of human rights groups.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin. However, the Government does not always enforce these provisions effectively.

Women

Violence against women, including domestic violence, is a significant problem. Rape is common, and health professionals report a high incidence of incest. Lawyers say that more victims are reporting these crimes to the authorities, although there is still a social stigma attached to them. The police are sometimes hesitant to interfere in cases of domestic disputes. Because of their economic circumstances and the shortage of family shelters, victims of domestic violence are often trapped in their homes with their abusers. In December 1996, Parliament passed a law defining domestic violence and establishing it as a crime. The authorities brought charges against three men under the new law's provisions; two were tried and imprisoned. The Ministry of Labor has conducted seminars to educate men and women on the issues of domestic violence and women's rights. A local NGO has opened a shelter, which also provides women with legal and other counseling. In December the Government opened a second shelter for battered women and victims of rape and incest.

In November Parliament approved the Antidiscrimination Act, which builds upon the provisions of the 1990 Equal Rights Act. The two laws provide a strengthened framework under which women and minorities may seek redress for discriminatory acts or practices. There is no legal protection against sexual harassment in the workplace. Legislation prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds does not occur in practice. The Women's Affairs Bureau of the Ministry of Labor, Human Services, and Social Security monitors the legal rights of women. In December the Government opened the Women's Leadership Institute, which seeks to provide training and promote greater participation by women in government and the private sector.

Legislation passed by Parliament in 1990 protects women's property rights in common law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by consent remains illegal. Legislation also gives authority to the courts to overturn a man's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

Children

An estimated three-quarters of the population lives in poverty, and children are more severely affected than any other group. Although the Government provides free education through secondary school, the severe deterioration of the public education and health care systems has stunted children's futures. The public health system is inadequate and for many children private health care is unaffordable. Children are often not given the opportunity to attend school because their families need them to contribute to running the household by working or providing child care.

Concern continues to rise over the effects of domestic violence on children. The GHRA learned that

three children died in the first 3 months of 1997 as a result of child abuse, and it believes that other deaths occurred but were unreported. Law enforcement officials added that the vast majority of criminal child abuse cases went unreported. Media reports of rape and incest further indicated that violence against children is a significant problem. The administration of justice for children is characterized by a system that lacks social services or trained experts to deal with children fleeing sexual, physical, or emotional abuse. Many children also suffer from neglect or abandonment in a society where 3 percent of the population emigrates each year, often leaving children behind.

People With Disabilities

The lack of appropriate infrastructure to provide access to both public and private facilities makes it very difficult to employ the disabled outside their homes. There is no law mandating provision of access for people with disabilities.

There are several special schools and training centers for the disabled, but they lack trained staff and are in disrepair.

Indigenous People

Most of the small Amerindian population, composed of nine tribal groups, live in reservations and villages in remote parts of the interior. Their standard of living is much lower than that of most citizens, and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources is limited.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. The act gives the Government the power to determine who is an Amerindian and what is an Amerindian community, to appoint Amerindian leaders, and to annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian can accept formal employment, although these provisions generally are not enforced. Both individuals and Amerindian groups remain free to criticize the Government.

The Government has long maintained that it is committed to legally demarcating lands that have traditionally been the homes of Amerindians. It has identified a total of 78 such villages and reservations, but despite the late President Jagan's promise at an international meeting in February 1996 to speed the process, only 1 of these areas has been legally demarcated. In September President Hinds renewed the promise to speed the demarcation process, but many Amerindians and NGO's feel that the Ministry of Amerindian Affairs does not have adequate funding or technical capacity to carry out the demarcation.

A serious allegation of physical abuse and exploitation of Amerindians was reported in 1997. In February opposition parliamentarian Matheson Williams alleged that members of an organized group in Supenaam and Danielstown were raping Amerindian women. He said he had interviewed 17 women who reported that they had been taken to a remote airstrip and gang raped. Williams called on the Ministries of Amerindian Affairs and Labor to investigate the charges; he reported that one man was charged with rape, but by year's end the Government had produced no report concerning the incidents.

National/Racial/Ethnic Minorities

Longstanding ethnic tensions, primarily between citizens of African and Indian descent, continued to

influence society and political life. Historical patterns of social organization have resulted in social and political organizations coalescing around ethnic groups. This pattern of racial and ethnic grouping has become politicized over the years, polarizing society along ethnic lines. Discrimination and exclusion continue to occur.

Some Indo-Guyanese allege that the 1965-92 PNC government established a pattern of racial discrimination in favor of the Afro-Guyanese. However, some Afro-Guyanese now allege that they suffer racial discrimination and "political victimization" by the predominantly Indo-Guyanese PPP, which they say directs benefits and opportunities to its supporters. The civil service and defense and police forces are overwhelmingly staffed by Afro-Guyanese. Recruitment efforts targeted at Indo-Guyanese candidates for the uniformed services generally have met with an unenthusiastic response, with most qualified Indo-Guyanese candidates opting for a business or professional career over military, police, or public service. The chief of staff of the Guyana Defence Force is Indo-Guyanese and there are other Indo-Guyanese officers in both the GDF and the police force. The Government sponsored various forums for discussion of racial problems and to promote inclusion. It supported the work of NGO's that deal with these concerns.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions. In November the Government enacted the Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers; the law takes effect in 1999.

Approximately 34 percent of the work force is unionized. Most union members work in the public sector and in state-owned enterprises. Organized labor freely associates in one major national federation, the Guyana Trades Union Congress (TUC), which is composed of 22 unions. There is a tradition of close ties between the trade union movement and political parties.

Historically, the two major political parties wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. Although this still occurs, it is less common.

Workers have a generally recognized right to strike. Strikes can be declared illegal if the union leadership did not approve them, or they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeletal staff in place. There were few strikes in 1997, and none of those that did occur were prolonged or considered to be illegal.

There was no legislation prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle was always included by the Government in the terms of resumption after a strike. The new law scheduled to take effect in 1999 defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, whenever agreed to by the contending parties, are legally enforceable.

Unions and their federations freely maintain relations with recognized Caribbean and international trade union and professional groups. All three of the major international trade union federations have affiliates in Guyana.

b. The Right to Organize and Bargain Collectively

Public and private sector employees possess and utilize the generally accepted right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. Until enactment of the new bill, however, this right was not codified, and employers were not legally required to recognize unions or to bargain with them.

Individual unions directly negotiate collective bargaining status, pursuant to the 1993 repeal of a regulation that required that all collective bargaining be negotiated through the TUC. Unions are dissatisfied with a provision granting the Ministry of Finance veto power over wage contracts negotiated by other ministries.

The Chief Labor Officer and the staff of the Ministry of Labor provide consultation, enforcement, and conciliation services. The Ministry eliminated a backlog of pending cases, but insufficient manpower and transportation continued to limit the Ministry's ability to function.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there is no indication that it occurs. The Government prohibits forced or bonded labor by children, and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The Factories Act and the Employment of Young Persons and Children Act set out minimum age requirements for employment of children. Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The Government prohibits forced or bonded labor by children, and enforces this prohibition effectively. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed. However, it is common to see very young children engaged in street trading in the capital. While cognizant of the situation, the Ministry of Labor does not employ sufficient inspectors to enforce existing laws effectively.

e. Acceptable Conditions of Work

The Labour Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers. The minimum public sector wage is \$2.20 (G\$307.84) per day. Although enforcement mechanisms exist, it is difficult to put them into practice, and unorganized workers, particularly women and children, are often paid less than what is legally required. The legal minimum wage for the public sector is insufficient to provide an adequate standard of living for worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general, work in excess of an 8-hour day or a 44-hour week requires payment of an overtime rate. However, if the initial contract stipulates a 48 hour workweek, then the overtime rate applies only for hours worked in excess of 48 hours. The law does not provide for at least a 24-hour rest period.

The Factories Act also sets forth workplace safety and health standards. The Occupation Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and

investigating complaints of substandard workplace conditions. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers cannot remove themselves from dangerous work situations without jeopardizing continued employment.

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