



The State Department web site below is a permanent electronic archive of information released prior to January 20, 2001. Please see www.state.gov for material released since President George W. Bush took office on that date. This site is not updated so external links may no longer function. [Contact us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be construed as an endorsement of the views contained therein.



U.S. Department of State

Guyana Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

GUYANA

The Co-operative Republic of Guyana is a small nation making a slow transition to democracy. It has a multiparty political system based on proportional representation. Citizens directly elect the President, but indirectly elect a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In December 1997, citizens voted in free, fair, and nonviolent national elections. The Peoples' Progressive Party (PPP) and its Civic (C) partner won a parliamentary majority and PPP/C candidate Janet Jagan, widow of the late President Cheddi Jagan, was sworn in as President. The People's National Congress (PNC), the main opposition party, alleged that the elections were fraudulent and refused to recognize Janet Jagan as President, despite a preponderance of evidence compiled by several international observer groups and by a special Caribbean Community (Caricom) audit team, which indicated that the elections were free of manipulation. The PNC refused for seven months to take its seats in Parliament and mounted an antigovernment campaign of illegal street demonstrations in January and again in June. The demonstrations turned violent on a number of occasions. The judiciary, although constitutionally independent, is inefficient and often appears subject to government influence.

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 in January and again in June to help the police maintain public order and to control the PNC-led street demonstrations. In general, the security forces showed professionalism and restraint in attempting to control the demonstrations, even when opposition supporters turned violent or provocative. However, on some occasions, 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. Annual economic growth had averaged more than 6 percent over the previous 4 years. However, in 1998 this rate fell to less than 2 percent, hurt by poor weather and by an unstable business climate brought about by political unrest. The agricultural sector brings in a large portion of the nation's annual foreign exchange earnings, and the slowdown hurt the Government's ability to service its high external debt. Per capita gross domestic product is estimated at \$808, and over half the population lives in poverty. 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.

Although the Government's human rights record improved slightly, serious problems remained. The police continued to commit extrajudicial killings; however, they committed fewer such killings than in previous years, and police abuse of suspects also declined. The authorities took some steps to investigate these abuses more effectively and brought charges against some individual policemen accused of killings. However, the Police Commissioner did not always comply with court

orders and in general the police continued to commit abuses with impunity. Prison conditions are poor. The inefficient judicial system results in long delays in trial and lengthy pretrial detention. Politically motivated bombings and opposition-led street demonstrations resulted in physical attacks on journalists and other citizens and caused one death. In addition, members of both major political parties engaged in propaganda that exacerbated racial tensions and social insecurity. Other human rights problems included societal discrimination against women and indigenous Amerindians, violence against women and children, and incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There was one politically motivated killing. On January 5, during a period marked by social unrest and political street demonstrations, a bomb attack on the studio of the National Television Network--a private television broadcasting company supportive of the governing PPP/C--killed 34-year-old security guard Seudyal Singh. The owner of the station issued a press statement indicating that he and his family had received death threats from a PNC activist prior to the incident. A police investigation failed to identify the perpetrator.

In addition, police committed extrajudicial killings, although fewer than in previous years. The Guyana Human Rights Association (GHRA) reported that police killed 9 civilians through August, compared with 27 in 1997 and 18 in 1996.

On June 19, police officers shot and killed 27-year-old Victor "Junior" Bourne in his home. According to police reports, officers shot and killed Bourne after he fired a weapon at them when they entered his bedroom. However, Bourne's wife and neighbors told local reporters that the police forcibly entered the house, executed Bourne in his bed, and then fired a shot into the wall in order to explain their use of lethal force. Although official police sources alleged that Bourne was wanted for robbery and drug trafficking, no arrest warrant had been issued against Bourne. The local press reported that Bourne had participated in an attempt to kill police superintendent Leon Fraser, and that Fraser ordered his execution in retaliation. In June a magistrate's court responded to pressure from Bourne's family's attorney by ordering a special coroner's inquest into his death. Chief magistrate Paul Fung-a-fat assumed the functions of coroner on a special basis for the case. At year's end, Fung-a-fat's inquest was in progress, but no public statements had been released.

In July plainclothes police officers shot and killed 27-year-old George Jeffers. Eyewitnesses alleged that the officers, under the influence of alcohol, intervened in an altercation at a public dance and then used excessive force when Jeffers resisted arrest. The Police Commissioner convened a board of inquiry into the shooting and, on October 28, announced that the authorities had arrested constable Carlyle Alleyne and charged him with killing Jeffers. They also charged two other police with assault in connection with the case.

Some progress was made toward resolving the 1997 case of Adam Hescott, an escaped prisoner whom police shot and killed. Again under pressure from a private attorney hired by Hescott's family, the courts charged corporal Ewart Hutson in the case and began hearing testimony in October.

On November 24, a jury found constable Ridley Halley and corporal Jacqueline Charles guilty of the 1996 killing Ulric Lynch, a GDF soldier. The police officers shot Lynch, who was off duty, following an altercation outside a nightclub. This was the first time since independence that a court convicted a police officer of an extrajudicial killing or other major human rights abuse; however, the court did not sentence the convicted officers to any jail time.

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 investigation of alleged police abuses. 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, human rights activists question officers' commitment to prosecuting their own colleagues.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the Constitution prohibits torture, the GHRA reported one incident in 1998. In May police officers allegedly apprehended Mark Brown and took him to an unoccupied residence to interrogate him regarding the whereabouts of two wanted men. The GHRA reported that when Brown refused to disclose the location of the two men, the police beat him, pinned him on the floor, and threw acid on his chest, armpits, and genitals. At year's end, the PCA claimed to be investigating Brown's allegations of police brutality.

From 1995 to 1997, the GHRA received an average of 20 complaints per year from victims who had been beaten by police while in custody. In 1998 the GHRA reported a significant drop in direct complaints against police, with only the Mark Brown case having been reported as of September. However, inmates, attorneys, and judicial authorities provided credible evidence that police frequently turned a blind eye while other inmates beat, robbed, or otherwise mistreated "problematic" prisoners. The GHRA also reported fewer incidents of nonlethal police shootings in 1998. However, in July police mistook Shawn Mohamed for a thief and shot him at his residence. Mohamed recovered, and although no compensation was made, the GPF later released a statement regretting the incident and apologizing to the victim.

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.

Georgetown's Camp Street prison, the country's largest, is extremely overcrowded. For most of the year, Camp Street held between 900 and 1,100 prisoners in space initially designed to hold 350. However, conditions in Camp Street improved somewhat and no longer appear to be life-threatening. Conditions in the country's four smaller prisons generally are adequate. The only women's prison is at New Amsterdam, in a facility that holds men and women in separate dormitory-type buildings. In 1997, when the Director of Prisons reported that a prisoner had died in part due to overcrowding at the Camp Street prison, the Government responded 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. The authorities reported no deaths related to prison conditions during the year. However, the GHRA still questioned the Government's commitment and continued to push it to improve health care in the prison system.

In addition to overcrowding and a lack of medical personnel, poor staff morale is a serious problem within the prison system. Prison staffers are poorly paid and 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 encouraged efforts by local and international nongovernmental organizations (NGO's) to improve physical and sanitary conditions.

Although sanitary and medical conditions in police station temporary holding facilities vary, in almost all cases these conditions are worse than those in the prisons. Some such jails are bare, overcrowded, and damp. Few have beds, wash basins, furniture, or utensils. Meals are normally unavailable; friends and relatives must bring detainees food and water. Cells rarely have sanitary facilities, and 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. Conditions in the East La Penitence police jail, where female prisoners are held until sentencing, are below the standard of the other jails and prisons in the country. The Brickdam lock-up in Georgetown has poor sanitation and dangerous conditions. One cell without plumbing or other facilities typically holds up to 30 detainees and is often the site of violence between inmates. Although precinct jails are intended to serve only as pretrial holding areas, some suspects have been detained there as long as 4 years, waiting for the overburdened judicial system to take action on their cases.

Prison officials were receptive to local and international NGO's requests to enter and inspect prison facilities. 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.

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; however, law enforcement officials and prominent lawyers questioned the independence of the judiciary and accused the Government of intervening in certain criminal and civil cases. There are no institutional checks on the President or the ruling party when they seek to influence judges. However, the Government generally respects the independence of the judiciary in human rights cases.

The court system is composed of a High Court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts.

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. There is no public defender system. The Georgetown Legal Aid Clinic, with public and private support, provides advice to persons 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 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. The Government's daily newspaper, the Guyana Chronicle, covers a broad spectrum of political and nongovernmental groups. However, throughout the year the Chronicle typically displayed a clear antiopposition bias.

While the printed press flourished, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. The Government owns and operates the country's three radio stations. There are no private radio stations, and private interests continued to allege 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. However, despite a similar lack of legislation to govern television frequencies, there were 17 independent television stations in addition to the government station.

The Ministry of Information censors the Internet and restricts public access to a variety of sites.

In January and again in June, as part of a series of public protests (see Sections 2.b., 3, and 5), supporters of the opposition PNC intimidated, harassed, and on one occasion beat journalists who were attempting to cover events. In the most serious incident, supporters who had gathered at PNC headquarters in June physically attacked journalists Ajai Baksh and Michelle Elphage and smashed their camera equipment.

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. When authorized, political parties and other groups held public meetings and rallies throughout the country without hindrance.

For several days in January and again in June, the PNC organized a series of unauthorized protests that intimidated citizens and disrupted business and government operations (see Section 3). Security forces made responsible attempts to contain these illegal gatherings, but on January 12 the protests turned violent. PNC supporters smashed shop windows, looted, and beat citizens (who were primarily of Indian origin) (see Section 5). The Government responded by placing a moratorium on public gatherings and marches. On January 14, the PNC organized a massive, peaceful march in direct defiance of this government order.

The Constitution 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 the country. Travel to Amerindian areas requires government permission; the result of a law dating from colonial times designed to protect 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 the 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 in December 1997, which were nonetheless protested by the opposition. There is a multiparty political system based on proportional representation. Voters directly elect the President to a five year term of office, but indirectly elect the unicameral Parliament. Any citizen 18 years or older can register to vote. The presidential candidate who wins a plurality of the popular vote also obtains a percentage of seats in Parliament equal to the percentage of the popular vote received. The political parties then decide who will hold the seats. A party leader can remove one of his party's members of Parliament and replace them at any time for any reason. 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.

Since Parliament is always controlled by the party in power, the legislature typically provides only a limited check on the executive's power. Party leaders are free to hire and fire parliamentary representatives at will. If a Member of Parliament acts in accordance with constituents' wishes, but against the wishes of the party's leadership, he or she risks being dismissed.

Guyana is a racially divided society in which the political party structure polarizes the main ethnic groups. Winner-take-all elections exacerbate these tensions. In addition to choosing a president in December 1997, voters elected a new parliament, in which four political parties were represented. The two major parties--the PPP and the 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. In October the court began hearing testimony in the PNC case. It had not reached a verdict by year's end.

These demonstrations became violent, with PNC supporters committing abuses of other citizens' rights (see Sections 2.b. and 5). In late January, a high-level Caricom delegation brokered an end to the civil unrest by striking a deal between the leaders of the PPP/C and the PNC. The accord called for institutional changes including constitutional reform and new elections within 3, rather than the normal 5, years. Also as part of this agreement, a Caricom team conducted an independent audit of the election results. Its report, released in June, found no evidence of electoral manipulation or fraud, corroborating similar appraisals from several international observer teams. Nevertheless, the PNC remained unmoved by Caricom's findings and returned to the streets. When the June protests also turned violent (see Section 2.a.), Caricom again intervened to broker a second truce. In accordance with agreements signed in January and June by President Jagan and PNC leader Desmond Hoyte, an extra-Parliamentary Constitutional Reform Commission (CRC) is to present a new draft constitution to Parliament and to the public no later than July 1999. However, it took Parliament nearly eight months to agree on a formula to determine the CRC's composition and members had not yet been named by year's end, casting doubt on its ability to meet the deadline.

There are no legal impediments to participation of women or minorities in the political process, but women are underrepresented in government and politics. The 19-person cabinet includes 3 women, and the country's second-highest judge is a woman. The 72-member Parliament includes 12 women and 10 Amerindians, representing both major parties. As a result of the December 1997 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 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.

In an effort to curtail appeals by death row inmates, on November 17 the governing PPP/C forced a motion through Parliament authorizing the Government to withdraw from the Optional Protocol to the International Covenant on Civil and Political Rights. Foreign Minister Rohee said the Government would reaccede to the protocol with reservations specifying that the United Nations Human Rights Commission would not have jurisdiction over death penalty cases.

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 widespread. Rape, particularly of girls and young women, is common but still infrequently reported or prosecuted. Health professionals and NGO's report a high incidence of incest. Lawyers say that while more victims are reporting these crimes to the authorities, there is still a social stigma applied to the victim for doing so. Despite efforts by NGO's and the Department of Public Prosecutions to sensitize police officers to domestic violence, the police are often hesitant to interfere in cases of domestic disputes.

In 1996 Parliament passed the Domestic Violence Act. In addition to defining domestic violence and establishing it as a crime, the legislation gives women the right to seek prompt protection. Magistrates can issue interim protection orders when a victim of abuse, a police officer, or a social worker fills out an application for protection. A magistrate then evaluates the case and decides whether or not to replace interim orders with permanent orders. The Domestic Violence Act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibit abusers from being anywhere that the applicant

lives, works, visits, or attends school. Occupation orders allow the victim and any children to remain at a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders require an abuser to leave a rented dwelling and continue to pay some or all of the rent.

Although local NGO's that address the issue of domestic violence are relatively new, they work effectively together under tight budget constraints. While NGO's consider the Domestic Violence Act a positive step, they claim that it has had little effect on the overall situation of domestic violence in society. NGO's report that domestic violence crosses racial and socioeconomic lines. According to Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, societal reeducation is required in order to sensitize persons to domestic violence. As of July, H&S had counseled 843 people since it began offering counseling services in November 1995. H&S reported that 62 percent of its cases involved spousal abuse and 10 percent involved child abuse. Another 10 percent of cases reported to H&S were rape cases and the vast majority of these--78 percent--were reported by victims age 16 and under.

In 1997 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. However, no case has ever been tried under the Equal Rights Act, and critics of the Antidiscrimination Act claim that the new laws are unlikely to be effective since the act places enforcement responsibilities on the overburdened Chief Labor Officer. 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 1997, 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

At least half 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 private health care is unaffordable for many children. Children are often not given the opportunity to attend school because their families need them to contribute to the household by working or providing child care.

Concern continues to rise over the effects of domestic violence on children. Although the GHRA reported no deaths from child abuse in 1998, law enforcement officials stated 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. According to the United Nations Children's Fund (UNICEF) office, a disturbing aspect is the concept of the "girl child," in which teenage girls trade sexual favors for money, a practice condoned by their parents yet obscured by cultural norms. In a related practice, parents demand monetary compensation following the rape of a teenage daughter.

The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child. However, the administration of justice for children is characterized by a lack of 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

The small Amerindian population, which consists of nine tribal groups, constitutes about 7 percent of the population. Most 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. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act is antiquated and expressed a commitment to update it.

The Government has long maintained that it is committed to demarcate lands that have traditionally been the homes of Amerindians. However, the Government holds title to almost all the nation's land and is free to act as it wishes without consultation. The Government identified a total of 75 villages and reported that it had successfully demarcated the lands of 11 Amerindian communities by July. The Ministry of Amerindian Affairs claimed that, in close consultation with Amerindian leaders, it would demarcate a total of 20 villages by year's end and another 20 in 1999. However, local Amerindian NGO's regarded government consultations with Amerindians as mere public relations exercises and demarcation as a means of confining Amerindian communities so that the rest of what Amerindians considered to be their land could be offered as concessions to miners and loggers. (Most of the demarcated titles to land were granted decades ago under the Amerindian Act and did not allow for the growth of Amerindian communities.) The Amerindian NGO's claimed that Amerindian leaders were not consulted properly and were pressured into uninformed decisions. The Government maintained that it would consider granting additional land rights to those communities that agreed to have their lands demarcated in 1998. However, as of year's end, the Government had taken no action to do so.

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.

These longstanding ethnic tensions were seriously exacerbated in the aftermath of the December 1997 election. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetoric and propaganda that fueled racial tensions. In public statements PNC leader Desmond Hoyte frequently accused the PPP/C Government of carrying out a "systematic campaign of victimization and discrimination" against Afro-Guyanese. While incidents of discrimination did occur, Hoyte's exaggerated allegation of a systematic campaign fueled tensions between the Indo-Guyanese and Afro-Guyanese communities. Some Indo-Guyanese citizens formed the Guyana Indian Foundation Trust, a group that claimed to promote legal and physical protection for the Indo-Guyanese community.

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. However, in the aftermath of the 1997 election, the Government stepped up its efforts to recruit Indo-Guyanese for the security forces. 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 1997, the Government enacted the Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers; the law is to take 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. This occasionally led to overt politicization of labor issues. For example, the Guyana Public Service Union organized a strike of customs employees in November, with explicit political support from the opposition PNC.

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 1998, and none of those that did occur were prolonged or considered to be illegal.

There is no legislation prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle is always included in the terms of resumption after a strike. The new recognition law 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.

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. According to UNICEF, child labor in the informal sector is a problem, as is the practice of teenage girls trading sexual favors for money (see Section 5).

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. However, there is no legislated private sector minimum wage. The minimum public sector wage is \$63 (G\$9,700) per month. Although enforcement mechanisms exist, it is difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, 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 Occupational 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.

[end of document]



[Return](#) to 1998 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.