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Guyana

Country:

Guyana

Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

3

Aggregate Score:

74

Freedom Rating:

2.5

Overview:

Guyana is a democracy that features regular elections, a lively press, and a robust civil society sector. However, violent crime, as well as discrimination against indigenous and LGBT (lesbian, gay, bisexual, and transgender) people remain significant problems. The recent discovery of rich oil and natural gas reserves in Guyana's coastal waters requires the government to continue pressing forward with anticorruption reforms.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 32 / 40

A. ELECTORAL PROCESS 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president is chief of state and head of government, and appoints the cabinet. Parties designate a presidential candidate ahead of National Assembly elections, with the winning party's candidate securing the presidency. Thus, the legitimacy of the president rests on

the conduct of the National Assembly elections. The president may serve an unlimited number of five-year terms.

David Granger, head of the coalition comprised of A Partnership for National Unity (APNU) and the Alliance for Change (AFC), became president after the coalition narrowly won the 2015 National Assembly elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the unicameral, 65-seat National Assembly are elected to five-year terms; 64 representatives are elected directly, while 1 lawmaker representing a nationwide constituency is elected by proportional representation vote.

In the 2015 elections, the APNU-AFC coalition won 50.3 percent of the vote and 33 seats, ending 23 years of rule by the People's Progressive Party/Civic (PPP/C), which won 32 seats. While the APNU-AFC won the election by a very tight margin of about 4,000 votes, the handover of power was smooth and peaceful. Observers reported a tense atmosphere on election day and recommended numerous electoral reforms, but generally praised the vote's conduct.

In 2016, local elections were held for the first time since 1994. Turnout was low, at less than 50 percent. However, the polls reflected continued democratic consolidation.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The Carter Center, after monitoring the 2015 polls, noted that provisions affecting electoral processes were scattered across various pieces of legislation, and recommended consolidating them to reduce confusion and inefficiency. It also recommended allowing individuals to stand for the presidency, as opposed to the current system under which presidential candidates must belong to a party. The group also expressed some concern over the operations of the Guyana Elections Commission (GECOM), and called for measures to strengthen its independence and overall capacity.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties may form freely, and generally operate without interference. A traditional deadlock between parties organized on ethnic lines has softened somewhat in recent years, as new political forces have emerged.

The 2015 Carter Center election monitoring mission noted that Guyana lacks legislation on the formation of political parties, and recommended a new law whose requirements

would promote the formation of multiethnic parties and their free operation in the political sphere.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The APNU-AFC victory in 2015 was only the second rotation of power in the country's modern history. Nevertheless, this historic handover of power reflected the ability of opposition parties to win power through elections.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

Voters are largely free to make their own political choices. However, there is concern that the enduring political power of the Indo-Guyanese elite has resulted in the marginalization of some political positions.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

While a small number of parliament seats and cabinet positions are held by indigenous people, the indigenous minority remains politically marginalized. The interests of women are also not well represented in the political sphere. A five-point plan on improving opportunities for women, initiated by Granger, includes measures aimed at boosting women's political participation.

In 2017, the government initiated public consultations on planned constitutional reforms, which included meetings with representatives of religious minorities and indigenous communities.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The president and ruling party are generally able to create and implement policy without interference. The 2015 elections left the ruling the APNU-AFC alliance with just one more seat in the legislature than the PPP/C; as a result, policymaking in the current term has to be more collaborative than it has been historically.

C2. Are safeguards against official corruption strong and effective? 2 / 4

In recent years, the government has made strides in introducing durable safeguards against corruption, notably by strengthening controls on money laundering and empowering a new agency to audit state-owned companies. However, official corruption remains a pressing concern, particularly in light of the recent discovery of rich oil and natural gas reserves in the country's coastal waters.

C3. Does the government operate with openness and transparency? 2 / 4

Laws designed to ensure government transparency are inconsistently upheld. A planned integrity commission intended to review officials' asset disclosures has not been established. Guyana's Access to Information Act came into force in 2013, but its provisions allow authorities to deny information requests with little or no explanation. The Guyana Information Commissioner, who is responsible for serving as an intermediary between information requesters and the agency they are requesting information from or about, has yet to deliver an annual report.

Separately, in August, Guyana applied for membership of the Extractive Industries Transparency Initiative (EITI), which asks countries to submit reports detailing the proceeds they have gained from the extraction of their natural resources.

CIVIL LIBERTIES: 42 / 60**D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16****D1. Are there free and independent media? 3 / 4**

Although freedom of the press is generally respected, government officials have initiated libel lawsuits and have occasionally made outright threats against journalists in response to negative coverage.

In September 2017, the president signed into law controversial amendments to Guyana's Broadcasting Act which required all broadcasters to apply for new licenses within 30 days. International and domestic media freedom groups criticized the administration for failing to consult with broadcasters before introducing the amendments, and opposition figures expressed concern that the amendments might be designed to take opposition stations off the air. The government maintained that the new legislation was partly designed to ensure equitable allocation of frequencies, and several critical outlets had received licenses by the end of 2017.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is generally respected.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express their views without fear of retaliation or other consequences.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 10 / 12

E1. Is there freedom of assembly? 3 / 4

While police violence towards protesters has been an issue in the past, the government in 2017 generally upheld the right to peaceful assembly. For example, predominantly PPP/C supporters engaged in sustained protests against the privatization of a sugar factory in September.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs) operate freely. The government has consulted with NGOs on various policy initiatives, including measures designed to combat human trafficking. A planned constitutional commission is due to draw most of its members from civil society groups.

E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

The right to form labor unions is generally upheld, and unions are well organized. However, laws against anti-union discrimination are poorly enforced

F. RULE OF LAW: 8 / 16

F1. Is there an independent judiciary? 2 / 4

The Granger government has publicly emphasized the importance of an independent judiciary, but has struggled to appoint senior judges due to disagreements with the opposition. Staff shortages and lack of resources also hamper the judiciary's effectiveness.

F2. Does due process prevail in civil and criminal matters? 2 / 4

The police do not always operate with professionalism, and there have been reports that officers have prepared poorly for court cases in which they are involved or have accepted bribes. Recent years have seen efforts to prosecute police officers engaged in a variety of crimes, and in 2017 the police underwent human rights training provided by the United Kingdom.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Police violence, abuse of detainees, and harsh, overcrowded prison conditions persist in Guyana.

The rate of violent crime remains high, but has fallen somewhat since 2013, when the murder rate was the third-highest in South America.

The limited threat of territorial conflict with Venezuela receded in 2017, with the beginning of a UN-sponsored process of mediation.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Despite some recent advances, Guyana's nine principal indigenous groups continue to face disparities in the provision of healthcare, education, and justice. Same-sex sexual activity is punishable with harsh jail terms, and the LGBT community continues to face violence and discrimination.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

There are no legal restrictions on freedom of movement, residency, employment or education, although economic disparities, racial polarization, and limited geographic connectivity limits these rights in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

The right to own property and maintain businesses is protected, but corruption and organized crime sometimes deter private-sector business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Same-sex marriage and civil unions are prohibited. The government otherwise generally does not explicitly restrict social freedoms.

Abortion is permitted. Violence against women, including domestic abuse, is widespread, and conviction rates for sexual offences are low. In 2017, the UN Children's Emergency Fund (UNICEF), in conjunction with the Ministry of Social Protection, held trainings for police on handling domestic abuses cases.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Despite significant progress in recent years, disparities in opportunity continue to exist along geographical, racial, and gender lines.

The US State Department has praised improved government efforts to tackle human trafficking, citing increased prosecutions and convictions, although services and shelters outside the capital, and for children and male victims, are limited.

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