



## Guyana

### Country Reports on Human Rights Practices - [2000](#)

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The Co-operative Republic of Guyana is a small nation struggling with the problems of consolidating its democratic institutions. It has a multiparty political system based on proportional representation. Citizens elect an executive president and a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In December 1997, citizens voted in a free and fair national election to return the People's Progressive Party (PPP) and its Civic (C) partner to office. Social unrest and occasional violence marred the postelection period, with the main opposition party alleging that the election was fraudulent; charges that international observers considered unfounded. Nonetheless, as part of a Caribbean Community (CARICOM) brokered compromise between the two parties, the PPP/C alliance agreed to shorten its constitutionally mandated 5-year term to 3 years, and a new election is scheduled for 2001. 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. Some members of the police force 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. 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. Real economic growth unofficially was estimated at 0.5 percent, compared with 3 percent in 1999. Per capita gross domestic product is estimated at \$824, and over half the population lives in poverty.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. The police continued to commit extrajudicial killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but in general, the police continued to commit abuses with impunity. Prison conditions remain poor, and lengthy pretrial detention remains a problem. The inefficient judicial system results in long delays in trials. Police infringed on citizens' privacy rights. Violence against women and children, societal discrimination against women and indigenous Amerindians, and incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese are problems, as is child labor in the informal sector.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Political and Other Extrajudicial Killing

The police continued to commit extrajudicial killings. The Guyana Human Rights Association (GHRA) reported that the police killed 13 civilians during the year, compared with 9 in 1999, 11 in 1998, and 27 in 1997. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed.

The GHRA also expressed concern about the death in custody of Shawn "Big Bird" Nedd, who reportedly was shot and killed on February 7 by police after being arrested, while being held in a vehicle of the "Quick Reaction Squad." Eusi Kwayana of the Working People's Alliance political party filed a private criminal charge

against a police constable for Nedd's death. In July the Director of Public Prosecutions (DPP) dismissed the case.

On February 9, police shot and killed criminal fugitive Linden "Blackie" London, a former army officer wanted for 4 murders and 14 robberies. Television cameras recorded a police officer shooting London as he appeared to surrender to the GDF. The manner of London's death led to speculation that he was executed to prevent him from revealing details of criminal connections within the Government or the security services. Several thousand persons attended London's funeral on February 16, including former President Desmond Hoyte, who publicly condemned extrajudicial killings by police. Rhonda Forde, a female companion of London's, died when she was shot during the exchange of gunfire. On February 18, a government official announced that an independent board would not be established to investigate police actions during the standoff, but that police and defense forces would conduct a joint services investigation. However, no results of any investigation of London's killing have been made public.

On March 18, a police squad shot and killed Hilton Rodrigues, wanted for murder and robbery; a police constable also was killed in the shootout. On June 23, a police officer shot and killed 26-year-old Ramdeo Rampersaud while attempting to arrest him on rape charges.

On August 18, a policeman shot and killed 14-year-old Trevor Crossman in Ituni, along the Demarara River. The policeman mistook him for his older brother, with whom the policeman had argued. In order to express public sympathy for the family, the Police Commissioner attended Crossman's funeral. The authorities charged the policeman with manslaughter; on September 8, he was released on bail pending trial.

On September 3, Mohammed Shafeek died in the Brickdam police lockup. An autopsy revealed that Shafeek was beaten all over his body; his skull and neck were fractured. The Home Affairs Minister initially announced that police reports indicated that Shafeek might have been beaten by other prisoners. However, the Police Commissioner subsequently announced on September 28 that an investigation revealed that Shafeek was beaten by the Venezuelan crew of a ship that had since left the country, and that the police had arrested him for disorderly conduct. The commissioner added that Shafeek should have been hospitalized instead of being placed in a prison cell, and that procedures would be instituted in the future to ensure that injured prisoners were hospitalized. On October 4, the police submitted a 20-page report to the DPP. The report noted that disciplinary action would be taken against police officers involved. At year's end, an inquest was scheduled for January 2001.

On November 21, a presidential guard allegedly shot and killed fruit vendor Oscar Daniels in Georgetown. The guard reportedly was aiming at Daniels' cousin, with whom he had argued, and the guard took Daniels to a hospital, but he died on the way. Shortly thereafter, the guard returned to duty until media reports led to his removal. At year's end, an inquest was pending.

Throughout the year, the Rise Organize and Rebuild (ROAR) political party complained about threats and harassment from the ruling PPP. ROAR portrayed the murder on November 12 of a man named Mohan, the father of ROAR's organizer in the Essequibo region, by a PPP supporter as a result of the PPP's campaign against it. However, the ROAR presented no evidence that connected the killing to the PPP.

There were no new developments in most of the extrajudicial killings by police in previous years, including the police shootings of Fazal Narine and Colin McGregor in 1999. In April a jury found that no one could be held criminally responsible for the death of Victor "Junior" Bourne in 1998. Two police superintendants were charged with killing Bourne but defended themselves by asserting that they acted in self-defense. Human rights monitors questioned the jury's verdict by noting that the police version of the shooting was contradicted by eyewitness testimony, which stated that Bourne was in bed asleep when police shot him. Amnesty International issued a statement criticizing the verdict and expressing concern over the climate of police impunity in the country.

On March 30, the U.N. Human Rights Committee made 22 recommendations to the Government, including a call for prompt investigation by an impartial body of extrajudicial killings and excessive use of force. It also called for measures to be taken to ensure the prosecution of offenders and to provide effective remedies to victims. The Committee recommended that all law enforcement officials receive thorough training in international human rights standards.

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 Police Complaints Authority (PCA), established in 1989, is composed of five members who investigate complaints against police officers. The statute provided for the independence of the PCA; however, most members are themselves members of the criminal justice system, and the PCA is not truly independent. The PCA received 69 complaints during the year (compared with 45 in 1999), completed investigation of 27 of them, and sent them to the Police Commissioner for action. However, there is no information publicly available on the status of these investigations. The PCA has not submitted an annual report since 1995. 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.

In response to the growing number of complaints against the police, the police established the Office of Professional Responsibility (OPR) in 1997. During the year, the OPR received 150 cases; it completed action on 97 of them and was awaiting instructions from the DPP on 27 cases. Since its inception, the OPR has carried out investigations of complaints against police, and at least 99 cases have resulted in some type of disciplinary action being taken against police officers.

#### 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; however, police continued to abuse suspects, although to a lesser degree than in the previous year. 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. The GHRA still considers police mistreatment of prisoners a problem. Moreover, inmates, attorneys, and judicial authorities provided credible evidence that police and correctional officers frequently ignored the actions of other inmates who beat, robbed, or otherwise mistreated "problematic" prisoners.

On September 3, Mohamed Shafeek died in the Brickdam police lockup, after being arrested the previous day (see Section 1.a.).

Prison and jail conditions were poor, especially in police holding cells. 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. Conditions in the country's four smaller prisons generally are adequate. 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 GHRA continues to advocate improved 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 are insufficient to compensate for the on-the-job risks; however, they try to assist prisoners as much as possible. Prison officials lobbied the Government for increased funding to improve prison conditions; they also 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, washbasins, furniture, or utensils. Meals are normally unavailable; friends and relatives must bring detainees food and water. Cells rarely have sanitary facilities, and inmates sometimes are 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 Brickdam lockup 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.

In October the GHRA criticized prison authorities for the death of Michael Ramcharran at the hands of another inmate, which the GHRA said was the direct result of overcrowding at the Camp Street Prison. To reduce overcrowding, the GHRA called on the judiciary to consider alternate sentencing for minor offenses, rejuvenation of the Parole Board, and the release of ill prisoners who have completed almost all of their sentences. However, the Government did not adopt any of these recommendations. Since then, the Parole Board has become more active, but still is reluctant to release prisoners due to insufficient post-release resources, including a lack of probationary staff.

The GHRA noted that protest actions on the roof of the central prison increased significantly during the year; at one point in October six inmates were on the roof to protest lengthy delays in trials (see Sections 1.d and 1.e.).

Conditions were generally adequate in the only women's prison, which is at New Amsterdam, in a facility that holds men and women in separate dormitory-type buildings. There are a number of vocational and educational courses, and regular visits by a psychiatrist who provides counseling were started for female inmates. The GHRA has urged that female inmates' responsibility for children should be recognized in terms of length of sentence and facilities for family contact. The East La Penitence police jail, where female prisoners are held until sentencing, was upgraded during the year; sanitation improved, and there is piped water for the inmates. Construction has not begun yet on the new women's detention center at East La Penitence.

Following widespread criticism caused by the detention in 1999 of two boys (ages 8 and 11) with adult prisoners who mistreated them, police have been careful to place juvenile offenders in a separate facility, in which conditions are adequate. In December 1999, police moved imprisoned juveniles from Brickdam to the Kitty police lockup, but conditions were so poor there that they were moved to the Ruimveldt police station. This station became the only facility holding juveniles, whose ages range between 14 and 17 years.

Prison officials were receptive to local and international NGO 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 and must remand persons convicted of such crimes into custody, even if an appeal is pending.

Lengthy pretrial detention remains a problem. The GHRA has asserted that prisoners often are detained for 3 or 4 years while awaiting trial; however, the authorities denied that delays were this long. During the year, prisoners protested lengthy trial delays (see Section 1.c.)

The Constitution prohibits forced exile, and it is not used.

#### 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, poor tracking of cases, and the slowness of police in preparing cases for trial. The inefficiency of the judicial system undermines due process. Lengthy pretrial detention remains a problem (see Section 1.d.). In March the U.N. Human Rights Committee called on the Government to recruit competent part-time and temporary judges in order to deal with the backlog of cases. In September four additional judges were sworn in.

Defendants are granted public trials, and appeals may be made to higher courts. Appeals of some murder cases may go on for several years. Trial postponements are granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts have had only a limited effect, and judicial staff still need further training in all areas. 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 (for example, assault as part of a divorce case). 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; however, the authorities often infringed on citizens' privacy. Law enforcement officials must obtain 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 generally respects these rights in practice. Citizens openly criticize the Government and its policies.

The independent Stabroek News publishes daily, and a wide range of religious groups, political parties, and journalists publish a 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 printed media 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 sole radio station, which broadcasts on three frequencies. 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 was unable to grant frequencies to private stations because there was no legislation governing their allocation. However, despite a similar lack of legislation to govern television frequencies, there were 12 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 may 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. After obtaining authorization, which generally is granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

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.

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

The Constitution provides for freedom of movement within the country, and the Government generally respects this right in practice. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice most persons 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 U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not have a formal policy on refugees or asylum and has not enacted 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 and fair elections held in December 1997. There is a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. Any citizen 18 years or older can register to vote.

The party that wins the most votes for parliament wins the presidency. A party's presidential candidate must be announced in advance of the election. 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. Since Parliament always is controlled by the party in power, the legislature typically provides only a limited check on the executive's power.

In December 1997, citizens voted to return the PPP and its Civic partner to office and elected Janet Jagan, widow of former president Cheddi Jagan, as President, defeating the People's National Congress (PNC), which is the main opposition party. As a result of opposition charges of election fraud that international observers considered unfounded, the ruling party entered into an agreement brokered by officials from other CARICOM nations to hold new elections after 3 years instead of 5 years as required by the Constitution. In October 1998, a court began hearing testimony in a civil suit filed by the PNC in support of its allegation that the 1997 election was rigged; however, by year's end, no verdict was reached.

In 1999 Finance Minister Bharrat Jagdeo succeeded to the presidency following the resignation of Janet Jagan due to health reasons. The CARICOM-brokered agreement also called for constitutional reform of the electoral process, and Parliament began to debate changes to the 1980 Constitution, but reaching agreement on proposed revisions is a lengthy process. In December Parliament passed a Constitutional Amendment Act that imposes a 7-year residence requirement on candidates for the presidency and sets a limit of two terms. In addition the act removed a clause that made the President immune from prosecution, and it limits the number of nonelected ministers to four. Additional constitutional amendments are expected following the next general elections, which are scheduled to be held in March 2001.

Guyana is a racially divided society in which the political party structure polarizes the main ethnic groups. Winner-take-all elections exacerbate these tensions. The two major parties (the PPP and the PNC) are formed largely by Indo-Guyanese and Afro-Guyanese, respectively.

There are no legal impediments to the participation of women or minorities in the political process, but women and minorities are underrepresented in decisionmaking, government, and politics. The 20-person Cabinet includes 2 women, and the country's second-highest judge is a woman. The 65-member Parliament includes 12 women and 10 Amerindians, representing both major parties.

### 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 an NGO formed in 1979 with the participation of trade unions, professional organizations, various ethnic groups, and churches. It issues periodic press releases and normally publishes an annual report on human rights. 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. The new draft constitution provides for the creation of a human rights commission to investigate abuses and to promote respect for human rights. An Amnesty International delegation visited in February and met with senior government officials.

In 1999 the Government presented its first report since 1981 on the country's human rights situation to the U.N. Human Rights Committee, as required by the International Covenant on Civil and Political Rights (ICCPR), of which it is a signatory. However, the Government's report, which was due in 1987, only covered the human rights situation between 1982 and 1987. In March the Government participated in 2 sessions with the committee, which then made 22 recommendations on a wide range of human rights issues (see Sections 1.a. and 1.e.). In 1999 the Government withdrew from the Optional Protocol to the ICCPR, which had permitted death row prisoners to appeal their cases to the U.N. Human Rights Committee. The withdrawal was in response to the Committee's 1996 ruling in favor of two convicted murderers who were to be hanged in 1997.

#### 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 a serious problem but infrequently reported or prosecuted. Health professionals and NGO's reported 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. According to press reports, there were 17 deaths as a result of domestic violence between January and October 16; the actual number was likely to be higher.

In 1996 Parliament passed the Domestic Violence Act. In addition to defining domestic violence and establishing it as a crime, the law 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 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. If protective orders are violated, the abuser can be fined up to \$54 (G\$10,000) and imprisoned for up to 12 months. However, this legislation frequently has not been enforced. 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 as 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.

In March the U.N. Human Rights Committee criticized the lack of information about the effect of the Domestic Violence Act in reducing the level of violence against women. The Committee called for training of police and other law enforcement personnel in the importance of ensuring that women who are victims of violence are accorded equal protection and that preventive and punitive measures are enforced. By year's end, the Government had not taken any action in response to the U.N. recommendations.

Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, focuses on societal reeducation in order to sensitize the public to domestic violence. By mid-1999, H&S had counseled 1,768 persons since it began offering counseling services in November 1995. H&S reported that 68 percent of its cases involved spousal abuse and 7 percent involved child abuse. Another 10 percent of cases reported to H&S were rape cases; the vast majority of these-- 78 percent--were reported by victims age 16 and under.

The 1997 Antidiscrimination Act 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 it is 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. The law 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 monitors the legal rights of women. The Women's Leadership Institute was established by law in December 1997 and opened in February 1999. The center seeks, through education and training, to facilitate greater women's participation in government and the private sector. The center plans to train an average of 350 women annually on issues such as women's rights, status of women, violence against women, and leadership development.

A 1990 law 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. The courts may overturn a husband's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

The new draft constitution provides for a minimum number of women to be on party slates for parliamentary seats and creates a women and gender equality commission to promote the enhancement of the status of women, girls, and gender issues.

#### Children

At least half of the population lives in poverty, and children are affected more severely than any other group. One-third of the population is under 18 years of age and, although the Government provides free education through secondary school, the severe deterioration of the public education and health care systems has limited children's future prospects. The public health system is inadequate, and private health care is unaffordable for many children. Children often do not attend school because their families need them to contribute to the household by working or providing child care for siblings or younger relatives.

Concern continues to rise over the effects of domestic violence on children. It is unclear how many deaths from child abuse take place, since law enforcement officials believe that the vast majority of criminal child abuse cases went unreported. The GHRA is concerned that there are no law enforcement investigative procedures in place to determine if abuse or parental incapacity were the true causes of death in some cases of the 400 children under the age of 5 who die each year, deaths that usually are ascribed to malnutrition or disease. Media reports of rape and incest further indicated that violence against children is a significant problem. According to UNICEF, 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, there is a lack of social services or trained experts to deal with children fleeing sexual, physical, or emotional abuse. Many children suffer from neglect or abandonment, particularly when 3 percent of the adult population emigrates each year, often leaving children behind.

The new draft constitution provides for the creation of a commission on the rights of the child to promote the well-being of children. This commission would monitor compliance and make recommendations for compliance with the U.N. Convention on the Rights of the Child and other international instruments acceded to by the Government. It also would review legislation affecting children and investigate complaints relating to children's rights.

#### People with Disabilities

There is no law mandating provision of access for disabled persons, and 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. In 1997 Parliament passed a law establishing a council for persons with disabilities; however, the council has yet to begin its activities. There are several special schools and training centers for the disabled, but they lack trained staff and are in disrepair.

#### Indigenous People

The Amerindian population, which consists of nine tribal groups, constitutes an estimated 8 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. Under the act, the Government may determine who is an Amerindian and what is an Amerindian community, appoint Amerindian leaders, and 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; however, these provisions are not enforced. Both Amerindian individuals and groups remain free to criticize the Government. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act was antiquated and expressed a commitment to update it, although it has taken no action to do so.

The Government has long maintained that it is committed to demarcating lands that traditionally have been the home of Amerindians. However, the Government holds title to almost all the country's land and is free to act as it wishes without consultation. The Government identified a total of 75 villages, and reported that it successfully demarcated the lands of 11 Amerindian communities in 1998. The Ministry of Amerindian Affairs claimed that, in close consultation with Amerindian leaders, it would demarcate a total of 40 additional villages by the end of 1999; however, while a handful of village leaders have accepted these new titles, most leaders rejected the demarcations. Local Amerindian NGO's regarded government consultations 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 titles to demarcated 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 1999, but it has not yet taken action to do so.

In March the U.N. Human Rights Committee expressed regret that the Government had not yet amended the Amerindian Act and expressed concern that Amerindians did not enjoy fully the right to equality before the law. The Committee was especially concerned that the right of Amerindians to enjoy their own culture was threatened by logging, mining, and delays in the demarcation of their traditional lands, and that in some cases insufficient land is demarcated to enable them to pursue their traditional economic activities.

The new draft constitution provides for the creation of a commission on indigenous people to promote and protect the rights of the Amerindian community. Among the duties of the commission is to make recommendations for the protection, preservation and promulgation of the cultural heritage and language of indigenous people. In addition the commission is to promote the empowerment of indigenous people through local government institutions including village councils and the Council of Toushaos (community elders).

#### National/Racial/Ethnic Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial and ethnic grouping of social and political organizations has polarized society along ethnic lines, and discrimination and exclusion continue to occur. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions. In August Parliament passed legislation creating an ethnic relations commission in an effort to reduce tensions, and in December it approved implementing legislation for the commission.

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 increased its efforts to recruit Indo-Guyanese for the security forces. 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. The Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers, was passed in late 1997 and came into effect in 1999, but was not effective in practice. The Trade Unions Recognition Board did not grant recognition to any new unions; it issued recommendations to recertify existing unions that previously had represented workers, but the process was not completed by year's end.

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 have wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. This arrangement occasionally led to overt politicization of labor issues. For example, the Public Service Union organized a strike of customs employees in November 1998, with explicit political support from the opposition PNC. In 1999 all opposition parliamentary parties supported the public service workers' strike.

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 skeleton staff in place.

In May workers at the Forestry Commission went on strike. They were attempting to obtain recognition of their union, but 10 union branch chiefs were dismissed and had not been paid the severance package due to them.

In 1999 following a civil service strike, an arbitration panel awarded government workers an across-the-board 31 percent pay increase for 1999, an additional 26 percent increase in 2000, and step increases. While the Government has paid the annual increases, it has not yet agreed to implement step increases. There is no law prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle always is included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, when agreed to by the contending parties, are enforceable legally.

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

#### b. The Right to Organize and Bargain Collectively

Public and private sector employees possess and utilize the right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. However, until enactment of the 1997 recognition law, this right was not codified, and employers legally were not 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 GTUC. 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 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). The Government prohibits forced or bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Labor 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. As a result of the civil service arbitration ruling in 1999 (see Section 6.a.), the minimum public sector wage increased to \$104 (G\$19,000) 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, often are paid less than what is required legally. The legal minimum wage for the public sector is insufficient to provide a decent standard of living for a 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 require at least a 24-hour rest period each week.

The Factories Act also establishes 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.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and there were occasional reports of trafficking in persons of Chinese and South Asian origin, who would immigrate illegally to the United States under conditions amounting to debt bondage. Persons providing fraudulent documents for the purpose of facilitating illegal immigration can be charged with obtaining money under false pretenses, which carries a small fine and a 6-month prison sentence. Some fraud cases were prosecuted during the year.

[End.]