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1999 Country Reports on Human Rights Practices

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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 an executive president and 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 to return the People's Progressive Party (PPP) and its Civic (C) partner to office and elected Janet Jagan, widow of the late President Cheddi Jagan, as president. Social unrest and occasional violence marred the postelection period, with the People's National Congress (PNC), the main opposition party, alleging that the elections were fraudulent. International observers considered that these charges were unfounded. Nonetheless, as part of a Caribbean Community brokered truce between the two parties, the PPP/C alliance agreed to shorten its constitutionally mandated 5-year term to 3 years. In August President Jagan resigned due to health reasons. She was succeeded by Finance Minister Bharrat Jagdeo. 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. Although the President deployed the GDF to assist the GPF during periods of civil unrest in 1998, this did not take place in 1999. Members of the police continued to commit 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 from 1993 through 1997. However, in 1998 the growth rate declined 1.8 percent, hurt by poor weather and by an unstable business climate brought about by political unrest. Growth in 1999 was 2.3 percent. The agricultural sector brings in a large portion of the

nation's annual foreign exchange earnings, and the slowdown has 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.

There continued to be serious problems in the Government's human rights record, although it improved slightly in a few areas. The police continued to commit extrajudicial killings; however, they committed fewer such killings than in the previous year, 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, in general the police continued to commit abuses with impunity. Prison conditions are poor, and lengthy pretrial detention is a problem. The inefficient judicial system results in long delays in trials. Police infringed on citizens' privacy rights. Members of both major political parties engaged in propaganda attacks that exacerbated racial tensions and social insecurity. Other human rights problems included 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.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

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

On October 22, a police officer shot Fazal Narine in the chest in front of his wife and children; he later died. The police had detained Narine at the Enmore police outpost after his wife had complained about his abusive behavior. Although the police claimed that Narine had died in a scuffle his relatives stated that he was drunk and unarmed. At year's end, the Director of Public Prosecutions was investigating Narine's death. The Working People's Alliance called for an investigation of the Narine case due to concern that abused women might be reluctant to report their problems to police in light of Narine's death in custody.

On November 14, 8 to 10 police reportedly opened fire in the home of Colin McGregor, killing him. The opposition PNC cited this killing as an example of police brutality and called for the Government to establish a commission to investigate what the PNC termed "widespread" extrajudicial killings since 1993 by members of the police force.

A judicial inquiry into the controversial fatal shooting by police in 1998 of Victor "Junior" Bourne began in late 1998, with several witnesses giving testimony. Pathologist Dr. Leslie Mootoo testified, consistent with official reports, that the deceased fired a gun before his death. However, 17-year-old Shemrick Raulston Nedd, who lived in the same house at the time of the incident, contended that while peering through a hole in the wall

he saw senior superintendent Stephan Merai and superintendent Leon Fraser shoot Bourne while he lay asleep. On January 6, all documents required to prosecute Merai and Fraser disappeared from the responsible magistrate's office.

No further progress was made toward resolving the 1997 case of Adam Hescott, an escaped prisoner whom police shot and killed. 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 Police Complaints Authority (PCA) is required to transmit all complaints to the Police Commissioner. The PCA was established in 1989 and is composed of five members who investigate complaints against police officers. Most members are themselves members of the criminal justice system; thus, the PCA is not truly independent, contrary to the statute that created the PCA. The PCA received 45 complaints during the year, completed investigation of 31 of them, and sent them to the Police Commissioner for action. However, 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. The OPR received 99 complaints that resulted in criminal and departmental charges brought against 40 police officers related to 78 of the complaints. At year's end, the OPR continued to investigate 35 reports of alleged misconduct.

b. Disappearance

There were no reports of politically motivated disappearances.

In March police arrested and detained Franz Britton. Although the police claimed to have released Britton, his relatives said that they had not seen him since his detention.

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. For example, a Trades Union Congress executive called for an investigation of the beating of Esther Grant on March 22. Police were videotaped beating her in front of her children. 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. This trend continued in 1999. However, 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. There were 23 persons injured as a result of nonlethal police shootings through September.

Violence accompanied several large public protests and strikes during the year. In March

there was a report that police beat a member of the press and a group of strikers. Also in March, supporters of PNC leader Desmond Hoyte set fire to a movie theater to protest an alleged attempt to assassinate Hoyte. In April public service strikers, to protest the fact that some health care workers had not joined their strike, invaded the hospital in Georgetown, beat medical personnel, and prevented seriously ill patients from entering the hospital. According to the GHRA, one person reportedly died during this attack when unable to receive medical treatment. On May 18, the police injured 17 persons when they fired pellets into a crowd of 200 striking workers (see Section 2.a.). Police fired shots, tear gas, and pellets at strikers and demonstrators on several occasions during the 7-week-long strike. The press reported that strikers and demonstrators threw grenades into a business and local newspaper headquarters during demonstrations, as well as vandalizing several other businesses. Police also reported several bomb threats to public buildings (see Sections 2.b. and 6.a.). In July the President established a commission of inquiry to examine police misconduct during the strike. The commission had not completed its work by year's end.

No progress was made on the torture case of Mark Brown, who accused police of torturing him by applying acid to his body in 1998.

Prison conditions are 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. 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 are insufficient to compensate for the on-the-job risks. Prison officials lobbied the Government for increased funding to improve prison conditions. Prison officials 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. 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.

In one case reported by the GHRA and the United Nations Children's Fund (UNICEF) two boys, ages 8 and 11, were detained in one of these dangerous jails for several months. A GHRA investigation determined that older inmates had burned the 8-year-old with lighted cigarettes and otherwise mistreated him. In December the media discovered that a 9-year-old boy was being held in Brickdam prison and alleged that other prisoners had abused him sexually. However, the police stated that the boy denied to his mother that he had been molested and that there was no evidence to support the media's claims. In December following these reports, the Home Affairs Minister announced that all juvenile offenders would be housed in a separate facility and that Brickdam prison would eventually be closed. The Minister also announced that the Government would build a new house of detention for the women held at East La Penitence prison.

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 but must remand persons convicted on narcotics 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.

The Constitution prohibit 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, and the slowness of police in preparing cases for trial. The inefficiency of the judicial system is so great as to undermine due process. Lengthy pretrial detention remains a problem (see Section 1.d.). Defendants are granted public trials, and appeal 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. However, programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts are having an 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). 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 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 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 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, which previously censored the Internet and restricted public access to a variety of sites, lifted these restrictions in January.

In May during civil unrest associated with the civil service strike, a television cameraman alleged that the police beat him and members of a group of strikers who were blocking a wharf.

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 is generally granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

For several days in March, street protests and isolated incidents of violence erupted in Georgetown, following a rally at which PNC leader Hoyte announced that his party would resume a campaign of antigovernment civil unrest. PNC supporters smashed shop windows, looted, and beat persons who were primarily Indo-Guyanese (see Section 5). The Government did not respond forcefully to these incidents.

During a 7-week civil service strike that began in April, the police generally exercised restraint, except on several occasions when they fired tear gas and pellets at strikers and demonstrators. For example, on May 17 police injured 17 strikers when they fired pellets into a crowd see Sections 1.c. and 6.a.).

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. 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 5-year term of office, but indirectly elect the unicameral Parliament. Any citizen 18 years or older can register to vote. As a result of opposition complaints of fraud (that international observers considered unfounded) following the December 1997 presidential elections, the ruling party entered an agreement brokered by officials from other Caribbean Community nations to hold new elections after 3 years instead of 5 years as required by the Constitution. Accordingly, the next presidential and legislative elections are expected to be held in January 2001.

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 is to hold the seats. 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. 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, the member 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. The two major parties (the PPP and the PNC) are formed largely by Indo-Guyanese and Afro-Guyanese,

respectively. In October 1998, a court began hearing testimony in a civil suit filed by the PNC in support of its allegation that the December 1997 election was rigged; however, by year's end, no verdict was reached.

There are no legal impediments to the participation of women or minorities in the political process, but women are underrepresented in government and politics. The 20-person Cabinet includes 2 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. In the December 1997 elections, voters elected a female president.

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 publishes an annual report on human rights in Guyana. 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 April the Government withdrew from the United Nations Optional Protocol to the International Covenant on Civil and Political Rights, 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 ruling in May 1998 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 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 1,768 people 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, 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. 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.

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 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 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 1999, 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 U.N. 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 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. In December 1997, Parliament passed a law establishing the Council for Persons with Disabilities, although 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. 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. 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 is 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 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 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 has

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. 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 descent and those of South Asian origin, 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. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions.

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. 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.

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 occasionally led to overt politicization of labor issues. For example, the Guyana Public Service Union organized a strike of customs employees in November 1998, 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.

A particularly divisive civil service strike over low wages began in April and lasted 7 weeks. There was a report that police beat strikers in May (see Section 2.a.), and police fired tear gas and pellets at protesters (see Section 2.b.). The strike ended on June 20 with an agreement to send the salary increase issue to binding arbitration. On August 31, a civil service arbitration panel awarded civil servants an across-the-board 31 percent increase for 1999 and an additional 26 percent increase in 2000. The Government said it would abide by the arbitration panel's decision. However, by the end of the year, the Government had yet to pay the salary increase due to lack of funds.

There is no legislation prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle always is included in the terms of resumption after a strike. The new 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 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 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 recognition law, however, 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 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 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. The minimum public sector wage is \$63 (g\$9,700) per month. As a result of a civil service arbitration panel ruling in August, the Government agreed to increase civil service salaries by 31 percent, but as of December 31, it had yet to do so due to lack of funds. 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 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 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.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons, but 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. There were occasional reports of trafficking in persons of Chinese and South Asian origin, who would illegally immigrate to the United States, under conditions

amounting to debt bondage.

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[Latin America, the Caribbean, and Canada Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)