



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

Distr.  
GENERAL

CERD/C/472/Add.1  
1 April 2005

Original: ENGLISH

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Fourteenth periodic reports of States parties due in 2004**

**Addendum**

**GUYANA\* \*\* \*\*\***

[20 December 2004]

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\* This document contains the initial to the fourteenth periodic reports of Guyana, due on 17 March 1978, 1980, 1982, 1984, 1986, 1988, 1990, 1992, 1994, 1996, 1998, 2000, 2002 and 2004 respectively, submitted in one document. For the summary records of the meetings at which the Committee reviewed the implementation of the procedure, see CERD/C/SR.1242, 1582 and 1636.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\*\* Annexes to the report may be consulted in the secretariat's files.

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## **Introduction**

### **Background**

1. The Government of the Republic of Guyana submits its consolidated report on the legislative, judicial, administrative and other measures taken to give effect to the *International Convention on the Elimination of All Forms of Racial Discrimination* (hereinafter referred to as the “Convention”).

2. For reasons relating to its socio-economic condition, Guyana could not submit the biennial reports and therefore sought an extension from the *Committee on the Elimination of All Forms of Racial Discrimination* (hereinafter referred to as the “Committee”). At the conclusion of the Committee’s sixty-fourth session, it was decided that all fourteen of Guyana’s outstanding reports, consolidated in one document, would be accepted before September 30, 2004 for examination in 2005.

### **The reporting process**

3. The task of compiling this report was coordinated by the Ministry of Foreign Affairs, and despite the difficulties encountered, proved ultimately to be a very rewarding experience. As regards implementation, all agencies of the government are obligated to honour the letter and spirit of the Convention.

4. To facilitate the reporting process, an Inter-Agency Committee was established, chaired by the Minister of Foreign Affairs, and comprising most of the other ministers and representatives from non-governmental organizations. The process of compiling this consolidated report entailed, first, an invitation to all committee members to submit responses based on the Committee’s reporting Guidelines. These responses were then compiled into a First Draft and then distributed to committee members for further comments to prepare a Second Draft. An Inter-Agency meeting was then called to discuss the Second Draft. Further comments recorded were used to prepare the Third and Final Draft to be submitted to the Cabinet for its consideration and eventual approval before submission to the Committee.

### **Constitutional reforms for the protection of human rights**

5. In 1999 a Constitutional Reform Commission was established and is now a permanent body headed by the Attorney General and Minister of Legal Affairs. This Commission oversees the process of constant updating of the Constitution. Of recent vintage are constitutional reforms from 2000-2003 which primarily seek to enhance Human Rights protection in the country. To this end five (5) Rights Commissions, have been created, to which citizens can lodge complaints. These are the Human Rights Commission, Women and Gender Equality Commission, Rights of the Child Commission, Indigenous Peoples Commission and the Ethnic Relations Commission.

6. Importantly too, the National Assembly has recently passed the Rights Commissions Tribunals Act (Act No. 9 of 2004) for the establishment of a corresponding quasi-judicial Tribunal for each of these Rights Commissions to which appeals may be made.

### **The Ministry of Amerindian Affairs**

7. The Ministry of Amerindian Affairs was established in the latter part of 1992, as a result of Guyana viewing and treating the human rights of its indigenous population as a matter of prime concern. The central aim of this Ministry is to, inter alia, ensure that Amerindians are presented with equal opportunities in the national economy as any other non-indigenous ethnic group.

8. It is the belief of this Ministry that one of the best ways to eliminate discrimination is by always seeking to solve problems, addressing issues and executing projects in a participatory and collaborative manner. This has been manifested repeatedly in all the initiatives undertaken by the Ministry with tremendous engagement of the Amerindian communities.

### **Mission to Guyana by United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

9. In July 2003, the Government of Guyana extended an invitation to Mr. Doudou Diene, *United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, to conduct a study of ethnic relations in Guyana. Mr. Diene, while praising steps taken by the Government of Guyana to address ethnic tension, has also made very useful recommendations which are under consideration by the Government.

## **PART I**

### **GENERAL INFORMATION**

#### **1. Country, people and demographic features**

##### **10. Location, size, climate**

Guyana is located on the continent of South America, 1°–8.5° north and 56°–61° west of the equator. It shares borders with Brazil to the south, Venezuela to the west, Suriname on the east and the Atlantic Ocean on the north.

This country is 83,000 square miles or 214,000 kilometers in area, and a major part of it is covered by tropical forests. As part of the Amazon Basin, it has one of the few remaining tropical forests which still form the habitat for large quantities of endangered species including flora and fauna.

By virtue of Guyana's geographic location, it enjoys a tropical climate, the temperature of which ranges from 24.3 degrees to 30.1 degrees centigrade. The monthly rainfall is above 2,006 millilitres.

## 11. Population

The Amerindians are indigenous to and were the first people to have settled in Guyana. Archeologists using radiocarbon data found that the *Waraus* were the first Amerindian tribe to have settled in Guyana more than 11,000 years ago. The radiocarbon data also shows that the *Caribs* came and settled in Guyana about 7,000 years ago, while the *Arawaks* settled approximately 3,500 years ago.

Guyana is today a multi-ethnic society comprising six distinct races, from which arises a large group of various mixtures of these races. As of 1991 Afro-Guyanese accounted for 32.7%; Indo-Guyanese 48.3%; Amerindian 6.3%; Chinese 0.20%; Portuguese 0.3%, Mixed 12.2% and European less than 0.5% of the population. These statistics will be updated by year-end when the detailed processing of the current Census data is completed.

As regards the population of Guyana, the preliminary count from the recent Census 2002 has shown the population as 749,000. This preliminary count represents a 3.53% increase in the population between 1991 and 2002.

The crude birth rate reflects a steady increase from 1991 of 25.2/1000 to 29.8/1000 in 1995. However a steady decline occurred between 1995 and 1996 to 24/1000 and then gradually to 23.8/1000 in 2002.

The crude death rate fluctuated from 7.1-6.6/1000 over the period 1991 to 2001. Infant mortality saw a steady decrease from 1991 of 43/1000 to 1998 of 22.9/1000. However, in 1999 the death rate amongst infants began to increase and by 2000 it was 29/1000.

The average life expectancy in Guyana is about 64 years.

## 12. Language and religion

Guyana's official language is English. However, *creolese* (non-standard English) is spoken by a majority of the population. There are also a number of Amerindian languages.

There are three major religious denominations in Guyana: Hinduism, Christianity and Islam. Hindus make up about 35% of the population, Christians 32.5% and Muslims 8%. The 1991 census, the most recent data available, does not reflect the presence of Bahais and Rastafarians. However, unaccounted 24.5% of the population includes such religious groups.

## 13. Gender, heads of household, literacy rate

The latest statistics reveal that as of 2001 the population comprised 49% male and 51% females. The Population and Household Census of 1991 reveals that 71.5% of households are headed by male, while 28.5% are headed by females.

The UNDP Human Development Indicators (2000) reports that the literacy rate for persons 15 years of age and older is 98.5%.

#### 14. **The economy**

Guyana's economy has shown fluctuating growth from 1991 to 2002. The decade of the 1990s was marked by predominantly robust and sustained annual growth rates, commencing with a growth rate of 6.1% in 1991, peaking at 8.5% by 1994. Between 1995 and 1999, the economy recorded an average annual growth of 4.1%. For the entire decade, only in the year 1998 was negative growth (-1.8%) recorded.

Declines in both the global and domestic economies have resulted in much lower levels of growth since 2000, with the economy declining by -1.4% in 2000, recovering to 1.9% growth in 2001, and a reduced level of 1.1% in 2002. The modest growth recorded in 2002 was achieved despite general contraction in the regional and global economies. Nevertheless, national disposable income increased steadily from 695.5 million USD in 1996 to 705.9 million USD in 2001, before declining to 705.2 million USD in 2002.

The Economic Recovery Programme (ERP), the National Development Strategy (NDS), the Poverty Reduction Strategy Paper (PRSP) and other policies were designed to improve fiscal performance of the macro-economic indicators, but have not resulted in the eradication of poverty, although the 1999 household income and expenditure survey indicated a marked reduction in poverty in 1993, the incidence of poverty in Guyana is still unacceptably high. These surveys reveal that 36.4% of the population lives in absolute poverty and 19.1% exist in a state of critical poverty.

### **2. General political structure**

15. Guyana achieved its independence from Great Britain on May 26, 1966 and became a Cooperative Republic on the February 23, 1970. It is a parliamentary democracy and is a member of the United Nations, the Commonwealth of Nations, the Organization of American States (OAS) and the Caribbean Community (CARICOM), among other regional groups.

There are several political parties in Guyana. However, the People's Progressive Party (PPP) and the People's National Congress Reform (PNC/R) have been the two major political forces over the last fifty years. The PPP whose coalition with the Civic group since 1992 forms the present government. The PPP is led by its General Secretary Mr. Donald Ramotar, while the main opposition, PNC/R is led by Mr. Robert Corbin, the Leader of the Opposition.

Other parties which have taken on an active role in Guyana's political structure are the Guyana Alliance for Progress and Working Peoples' Alliance (GAP/WPA); Rise, Organize and Rebuild (ROAR); The Justice For All Party (JEAP) and The United Force (TUF).

#### 16. **Type of government**

Guyana is a Democracy. Periodic elections are held on the basis of Proportional Representation. The country is led by a President who is elected by the people. The President is both the Head of State and Head of Government. However, he is not a member of the National Assembly and therefore does not participate in Parliamentary debates.

Further, Guyana is divided into ten (10) Administrative Regions.

## 17. **Legislature**

Guyana has a unicameral parliament consisting of members of the government and opposition parties. There are currently 67 elected members of the National Assembly: 37 from the government, 27 from the main opposition and 3 from the other opposition parties.

Section 11B(5,6) of the Representation of the People Act, Cap. 1:03, provide that at least one-third of the list of representatives of each political party contesting national elections, must be female.

Through Proportional Representation, members are elected through national elections held every 5 years.

## 18. **The executive**

The Cabinet is the main body which formulates government policies. It is headed by the President and comprises 23 members. However, it must be noted that its composition is not fixed.

## 19. **Judiciary**

Guyana's judicial system is founded upon the English common law and practice. It has a 3 tier judicial system consisting of the Magistrate's Court, High Court and Court of Appeal, in that order of superiority. The Court of Appeal is the final court. However, this position may change in the near future since Guyana is a signatory to the revised Treaty of Chaguaramas establishing the Caribbean Court of Justice, (CCJ) which is set to be Guyana's final Court of Appeal.

The Chancellor and the Chief Justice are appointed by the President after obtaining the agreement of the Leader of the Opposition. The other judges are appointed by the President acting on the advice of the Judicial Service Commission which is headed by the Chancellor of the Judiciary.

### **GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED**

20. The Constitution Reform Commission has recommended that there should be an enforceable fundamental right enshrined in the Constitution providing for non-discrimination on the basis of race, sex, gender, marital status, pregnancy, ethnic or social origin, colour, creed, sexual orientation, age, religion, conscience, belief, culture, language, birth or disability. It should be noted that prior to this amendment in 2001, this was just a declaration of principles and not an enforceable right.

21. The said Commission also recommended that several Rights Commissions should be part of the Constitutional provisions.

22. Guyana continues to be signatory to many bilateral, regional and international agreements on the protection of Human Rights. Among these is the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified on February 15, 1977.

As a consequence of the above-mentioned Constitutional Reform Commission, the Constitution was amended by Constitution (Amendment) (No. 2) Act 2003, so that Article 154A now reads:

*“(1) Subject to paragraphs (3) and (6), every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties, and such rights shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed.”*

It must be noted that the aforementioned Convention is one of those ‘international treaties’ referred to in the Fourth Schedule.

A copy of Article 154A of the Constitution is annexed and marked as **Appendix I**.

23. Furthermore, Article 8 of the Constitution of the Co-operative Republic of Guyana declares that the Constitution is the supreme law of Guyana and any other law that is inconsistent with it is void to the extent of the inconsistency.

24. Chapter III of the Constitution entitled “Fundamental Rights and Freedoms of the Individual”, guarantees to every individual certain fundamental rights and freedoms regardless of his/her race, colour, sex, place of origin, political opinions or creed. These fundamental rights and freedoms are spelt out in more detail in Part 2 of the Constitution.

25. The aforementioned fundamental rights and freedoms are therefore compatible with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

26. The fundamental rights and freedoms stated above are entrenched and can only be amended by a two-thirds majority of all the elected members of Parliament.

27. Article 149 of the Constitution specifically provides against discrimination on the grounds of race, place of origin, political openness, colour, or race.

28. Jurisdiction over human rights protection is essentially exercised by the courts of law. Article 153 of the Constitution empowers the High Court with original jurisdiction to grant any redress of an allegation made by an individual that his rights, including those in Article 149, have been, are being or are likely to be contravened. Dissatisfied litigants can appeal against the High Court’s decision to the Court of Appeal.

29. In addition to the judicial system outlined above, Articles 191-196 of the Constitution provide that the Ombudsman may investigate a complaint made by an individual who has suffered discrimination on the grounds of place of origin, political openness, colour or creed, as a consequence of a fault in the exercise of the administrative functions of the relevant Government department and certain Government authorities. The Ombudsman carries out an investigation by hearing both the individual and the Government Departments or Authorities concerned. His jurisdiction however, does not cover private enterprise and certain other Government bodies. If the Ombudsman finds that an individual has suffered discrimination as



aforesaid, he recommends to the department or authority to remedy the injustice. If the latter refuses to implement the Ombudsman's recommendation, he makes a special report to the National Assembly.

30. There is also in existence an Ethnic Relations Commission, a constitutional body established by Article 212A of the Constitution. It comprises representatives of religious bodies, labour movement, private business sector, youth and women. The functions of the Commission, inter alia, are to promote the elimination of all forms of discrimination on the basis of ethnicity and to investigate complaints of racial discrimination. There is also, to be established soon, the Ethnic Relations Tribunal under the Rights Commissions Tribunals Act. This Tribunal is to hear appeals against decisions made by the Ethnic Relations Commission.

A copy of Article 212A of the Constitution is annexed hereto and marked as **Appendix II**.

## PART II

### RESPONSE TO ARTICLES 2-7 OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

#### Article 2

##### A

31. Article 149 of the Constitution proscribes discrimination on the grounds of race, place of origin, political opinion, colour or creed.

32. There are no laws or policies in Guyana that serve to encourage racial discrimination. Neither is there any racial group in Guyana for which specific legislation guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms is required. This can be seen in the provisions of Articles 40 and 149 of the Constitution which allows each Guyanese citizen his/her fundamental rights and freedom whatever his/her race, place of origin, political opinions, colour, creed, or sex.

33. The **Racial Hostility Act, Chapter 23:01** enacted in 1997, prohibits any act of racial hostility or the wilful incitement of any form of hostility or ill-will against persons on the grounds of race.

A copy of the Racial Hostility Act, Chapter 23:01 is annexed hereto and marked as **Appendix III**.

34. As mentioned above, there is an **Ethnic Relations Commission** which scrutinizes all governmental, national and local actions. The functions of the Commission include:

- Providing for equality of opportunity between persons of different ethnic groups;
- Promoting the elimination of discrimination on the basis of ethnicity;

- Discouraging and prohibiting institutions, persons and political parties etc. from involvement in the advocacy of messages relating to discrimination;
- Investigating racial discrimination complaints and administrative actions which tend to cause racial discrimination; and
- Making proposals for such legislation or administrative actions to be revised and finally to promoting racial harmony.

35. More recently the Government of Guyana established the **Disciplined Forces Commission** which was tasked with the duties of, among others, reviewing the ethnic composition of the Guyana Police Force, the Guyana Defence Force, the Guyana Prison Service and the Guyana Fire Service, and to recommend measures which would lead to the achievement of ethnic balance in the Disciplined Forces.

## **B**

36. Special provisions are provided in the Constitution [Article 149 (6)(c)] and the Amerindian Act, Cap. 29:01 of the laws of Guyana, to guarantee the Cultural and Economic Rights of the Amerindian people. This group is the only one given Land Rights outside those allotted by Government. However, this is given to them as ancestral rights and not on racial grounds. Further, the Amerindian Act provides for the administration of Amerindian communities.

A copy of an extract of Article 149 of the Constitution is annexed hereto and marked as **Appendix IV**.

37. The said Amerindian Act is being revised to represent more modern-day thinking, philosophy and the Constitution of Guyana. Issues such as protection, racial bias, land ownership and local government will be addressed in the new Act. A consultation process involving more than 90% of the communities was conducted over the last two years.

A copy of the existing Amerindian Act is annexed hereto and marked as **Appendix V**.

38. In recognition of the peculiar needs of the indigenous peoples of Guyana, the reformed Constitution of Guyana provides for the establishment of an Indigenous Peoples Commission. This Commission will comprise three representatives of the Amerindian communities and two from the Amerindian Non-Governmental Organizations. The nominations for this Commission by the Toshaos (leaders) of the communities have been concluded.

39. In February 2004, the Government of Guyana approved the establishment of a National Toshaos Council. This will seek to address issues at a national level with regard to Amerindian development and advancement.

### Article 3

40. Guyana being a land of many races condemns racial segregation and apartheid. It has been in the forefront of the fight against apartheid and racial segregation and strongly supported the fight against apartheid in South Africa.

41. In the period of apartheid in South Africa, the Government of Guyana refused to have diplomatic or other ties with that nation. The end of apartheid saw Guyana joining with other countries to endorse the new democratic and non-racial government.

### Article 4

42. The **Racial Hostility Act** sets out clearly the punishment to be meted out to public officials from any section of the Government if he/she uses his/her office to act discriminatorily. The Parliament of Guyana recently amended this Act in 2000 to increase the penalties for offences committed under it. The short title of this Act reads: ‘An Act to make provision for preventing conduct tending to excite hostility or ill will against persons by reasons of their race.’

43. Article 227 of the Constitution states that Parliament may provide for the disqualification of any person from office if he is found by the Court to have committed an offence relating to excitement of hostility or ill-will against any person or class of persons on the grounds of his/her or their race. It should be noted that any aggrieved person may approach a Court of competent jurisdiction to make such complaint.

44. Even though Article 146(2)(d) of the Constitution provides for a citizen’s freedom of expression to be protected, it limits this protection in so far as any person, institution, body, authority or political party does some act or advancement which disseminates or supports any idea which may result in racial or ethnic divisions among the people of Guyana.

45. As regards cases on racial discrimination, the Ethnic Relations Commission (ERC) has received 11 allegations under its mandate. Two of these cases have been concluded and 1 is currently being heard. The cases are of varied nature, ranging from allegations of racial or religious discrimination and intolerance relating to labour, land and housing disputes, to issues relating to publications alleging incitement to racial hatred.

46. In addition, during its regional sensitization visits, the Ethnic Relations Commissioners were able to conduct on-site inspection visits in compliance with national legislation relating to racial discrimination and have successfully been able to mediate some disputes on the spot.

### Article 5

47. The undertaking to prohibit and eliminate racial discrimination in all forms is guaranteed in Guyana under the provisions of the Constitution and the Common Law. There are various fundamental rights and freedoms set out in Article 40 **and** Part 2 Title 1 of the Constitution entitled “Protection of Fundamental Rights and Freedoms of the Individual”.

48. The Constitution enshrines the right of every person to have equal treatment before an impartial tribunal and all other organs administering justice. Article 144 contains provisions to secure protection by the law in respect of a fair hearing within a reasonable time by an independent and impartial Court. Court proceedings are conducted in English. Should there be a party before the Court who does not speak or understand English, the Constitution provides that the defendant shall be informed, as is reasonably practicable, in a language which he understands, of the nature of the offence he is charged with and shall be permitted to have, without pay, the assistance of an interpreter. Similar provisions are made in Article 144(8) as regards civil litigation. These provisions are applied without distinction as to race, colour, national or ethnic origin.

49. Article 122A of the Constitution provides that all Courts and all persons presiding over the Courts shall be free and independent from the control and direction of any other person, political or executive body.

And as regards the appointment of judges, the independence of the process is manifest in the President being required to consult and agree with the Leader of the Opposition or the Judicial Service Commission on possible appointees. See Articles 127-128 of the Constitution.

50. Article 49 of the Constitution, to which internal policies of all public agencies and organizations must conform relative to the issue of ethnic relations, prohibits discrimination by individuals, public officers and organizations. Further, law enforcement officers and judicial officers, at their period of induction to public service, during training and at subsequent periods, are reminded of their obligations against racial discrimination. An example is found in section 14(1) of the Police Act, Chapter 16:01 of the Laws of Guyana requiring every officer, inspector, subordinate officer and constable on his appointment to take an oath of office which includes service to the State without favour or affection.

Any person who feels discriminated against on the basis of race by a public officer could seek redress through various channels up to the level of the Ombudsman or the Courts.

51. Every individual in Guyana has the right to security of his/her person and protection against violence or bodily harm, whether inflicted by the state, any individual, group or institution. Art. 40 (a) of the Constitution provides that, every person has the right of life, liberty, security of the person and the protection of the law but, subject to the rights and freedoms of others. In addition, Art 141 makes it illegal for any person to be subjected to torture or inhumane treatment, or degrading punishment or other treatment. Furthermore, Article 139(1) states inter alia, that no person shall be deprived of his personal liberty save as may be authorized by law. However, Guyana does retain the death penalty as provided for by Article 138(1) of the Constitution.

52. While recognizing a situation that has emerged historically, it is clear that greater efforts must be made to balance the ethnic composition of the armed forces. Since the late 19<sup>th</sup> century the colonial Militia and the Guyana Police Force and more recently, the Guyana Defence Force have been predominantly staffed by Afro-Guyanese. At the same time significant minorities from other ethnic groups have always been present and Indo-Guyanese have held the highest posts in both the Guyana Police Force and the Guyana Defence Force. To this extent, factors

contributing to imbalance are less institutional than economic and social. Relatively low salaries, unattractive living arrangements and postings in distant parts of the country have all contributed to careers in the Disciplined Services appearing unattractive to a growing number of Indo-Guyanese.

53. The Disciplined Services Commission made a number of recommendations to address racial imbalance in the Guyana Police Service. Efforts to encourage Amerindian recruitment in recent years have borne fruit. It is feasible, if this trend continues, that police outposts in Amerindian communities will be largely staffed by Amerindian police officers in the not-too-distant future.

While recognizing a situation that has emerged historically, it is clear that greater efforts must be made to balance the ethnic composition of the armed forces.

54. Article 145(1) provides for the enjoyment of the freedom of expression by the individual. Such freedom includes freedom of thought, and of religion, freedom to change one's religion or belief and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

55. The enjoyment of the individual's freedom of expression is guaranteed under Article 146(1). This freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.

56. By Article 147(1) no individual shall be hindered in the enjoyment of his freedom of assembly and association and to form or belong to political parties or to form or belong to trade unions or other association of his choice for the protection of his interest.

57. The right to move freely throughout Guyana, live in any part of the country and the right to enter and leave Guyana are enshrined in Article 148(1) of the Constitution. This provision also covers the right to leave any country, including one's own, and to return to one's country.

58. Article 19 of the Constitution guarantees every citizen of Guyana the right to own personal property which includes such assets as dwelling houses and the land on which they stand, farmsteads, tools and equipment, motor vehicles and bank accounts. Further, the right to inheritance is also guaranteed by Article 20 of the Constitution.

59. Within the last ten years the government distributed more than 50,000 house lots countrywide. At present the housing market is booming due mainly to the commercial banks opening their doors to more low income families to get loans, by providing less rigid qualification to obtain a loan and lower interest rate. There are no specific actions by government to oversee those who rent or sell houses or apartments. However the Ethnic Relations Commission can look into any perceived act of racial discrimination in this regard.

60. In the government's drive to house Guyanese, the doors are open to all regardless of race or ethnicity to apply for land to build their houses. There are no racial criteria used by government to prevent anyone from owning a home. Criteria used so far, include income and family size.

61. Where the income is low the Ministry may recommend that a person be given a low-income house lot. On the other hand a person earning a substantial income may be given a middle-income lot. The size of the family is also used as a criterion. A couple with at least one child may be given priority over one without. Couples with large families may be given priority over couples with small families. The immediate needs of different families are also used to weigh priority.

62. In keeping with the fundamental rights enshrined in the Constitution of Guyana, the National Assembly has enacted legislation to support these enshrined rights, in the form of the **Prevention of Discrimination Act, 1997**. This Act seeks to eliminate discrimination in employment, training, recruitment and membership of professional bodies and the promotion of equal remuneration to men and women in employment who perform work of equal value and for matters connected therewith.

Section 4(1) of the said Act states, inter alia, that:

“a person discriminates against another person if the first mentioned person makes, on any of the grounds mentioned in sub-section (2), any distinction, exclusion or preference the intent or the effect of which is to nullify or impair equality of opportunity or treatment in any employment or occupation”.

Sub-section (2) provides that the grounds referred to in subsection (1) are:

“(a) race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age except for purposes of retirement and restrictions on work and employment of minors”.

A copy of the Prevention of Discrimination Act, 1997 is annexed hereto and marked as **Appendix VI**

Section 2(1) of the Racial Hostility Act, Chapter 23:01, which provides that:

“A person shall be guilty of an offence if he wilfully excites or attempts to excite hostility or ill-will against any section of the public or against any person on the ground of their or his race.”

While the Prevention of Discrimination Act, 1997 provides for legislation against discrimination in employment, recruitment and membership of professional bodies, there are situations where historically, certain anomalies may exist. For example, if one should look at employment and the composition of the Guyana Police Force, the Guyana Defence Force as well as the Guyana Fire Service, one would find a greater percent of one racial grouping being employed.

63. The **Domestic Violence Act** also provides for the protection of persons in domestic situations against violence on their persons.

A copy of the Domestic Violence Act is annexed hereto and marked as **Appendix VII**.

64. Every individual is guaranteed political rights under the constitution of Guyana. Art.147 makes it imperative that persons shall not be prevented from forming or being part of political parties or to assemble or form associations or to belong to trade unions, except where it is reasonably required for defence, or public health, or public safety, or protecting the rights and freedoms of others.

65. All ethnic groups in Guyana are guaranteed the right to vote. Article 59 of the constitution provides that *every* person may vote *in* an election, provided that such person is *18 years* or older and *is a* citizen of Guyana or a Commonwealth *citizen domiciled or resident in Guyana*.

66. Indigenous people are represented in the legislature. The indigenous population is 6.3% of the total population and there are four members of parliament who have indigenous roots.

A study conducted by the Amerindian Peoples' Association reveals that among the social issues affecting Amerindians (women in particular), is the illegal sale of alcohol in Amerindian Communities, as people violate the Amerindian Act. Equally relevant is the fact that Amerindians themselves traditionally produce and consume alcohol in their communities. Other concerns of Amerindians include the prostitution of underage Amerindian girls and lack of equal education opportunities, inadequate access to land, low economic status, inadequate access to health services in emergencies, poverty, poor diet and nutrition and rape. There is reportedly a high incidence of sexual abuse among Amerindian females.

However, special programmes exist to improve the status of Amerindian people. There is a hinterland scholarship programme for Amerindians. The scholarships to secondary schools are awarded to Amerindian students on the basis of their performance at the Secondary Schools Entrance Examinations (SSEE). The need for technical and tertiary training is important. Thus students are enrolled at the Carnegie School of Home Economics and at the Government Technical Institute. From 1997 to 2002, the Government through the Public Service Ministry (PSM) has granted 18 Amerindians scholarships to the University of Guyana (UG) in the fields of:

- (a) Education;
- (b) Agriculture;
- (c) Geography;
- (d) Biology;
- (e) Haematology;
- (f) Pharmacy;
- (g) Forestry;
- (h) Computer Science;

- (i) Medicine;
- (j) Civil Engineering;
- (k) Art.

Amerindians also have access to other scholarship offers.

Amerindian children have access to free education from nursery to secondary. Secondary schools are located at Mabaruma and Kumaka in Region 1; Waramadong in Region 7; and Aishalton, St. Ignatius, and Annai in Region 9. These are hinterland locations. These secondary schools are equipped with dormitories and supplies to accommodate students who live in distant areas.

67. The Ministry of Amerindian Affairs created positions for 10 Community Development Officers (CDOs) in each region. These Officers work to provide a closer link between Amerindian communities and the Ministry of Amerindian Affairs. Their responsibilities include discussing issues with residents of Amerindian communities and assisting funding agencies and NGOs in the implementation of development projects in the communities.

68. Through joint funding by the International Fund for Agricultural Development (IFAD), the Caribbean Development Bank (CDB) and the Government of Guyana, the Poor Rural Communities Project was introduced to focus on development initiatives in Regions 2 and 3, rural areas. This Project targets all ethnic groups, without exception, in these areas. The Community Initiative Fund, as a component of the Project, provides financial assistance to women interested in developing micro enterprises. Amerindian women in particular, have benefited from the allocation of funds for the construction or equipping of daycare centers in the regions. One such daycare center is currently being constructed in Den Amstel in Region 3, a rural area.

69. Economic, social and cultural rights are also guaranteed in the constitution. Art. 22 provides that every citizen has a right and duty to work. The right to form and join trade unions is also provided for in Art. 147 of the constitution.

70. Guyana is a country of diverse natural resources so that employment can be found in agriculture, mining of bauxite, mining of gold and diamond, forestry and the public service. There are also private industries involved in the manufacturing which also provide employment for workers. In addition, there are stores and service oriented businesses particularly in urban areas that employ workers. There is however a 10-12% unemployment rate in Guyana at present.

71. All ethnic groups are afforded the opportunity to work anywhere in Guyana. Traditionally, Guyanese of Indian origin are found mainly in the agriculture field such as rice and sugar production and in private industries, while Guyanese of African origin dominate the Public Service in mainly the teaching and law enforcement professions, and also in the field of mining. However, today it is not uncommon to find persons from other ethnic groups such as the Amerindians, involved in the abovementioned economic activities.



72. The Ethnic Relations Commission has been put in place and members have been appointed by the President. The Commission consists of members of Religious Bodies, Labour Movement, Private Business Sector, Youth and Women Organizations among others.

The functions of the Commission are, inter alia, to:

- (a) Provide for equality of opportunity between persons of different ethnic groups and to promote harmony and good relations between such persons;
- (b) Promote the elimination of all forms of discrimination on the basis of ethnicity;
- (c) Discourage and prohibit persons, institutions, political parties and associations from indulging in, advocating or promoting discrimination or discrimination on the basis of ethnicity;
- (d) Foster a sense of security among all ethnic groups by encouraging and promoting the understanding, acceptance and tolerance of diversity in all aspects of national life and promoting full participation by all ethnic groups in the social, economic, cultural and political life of the people;
- (e) Investigate complaints of racial discrimination and make recommendations on the measures to be taken if such complaints are valid, and where there is justification to refer matters to the Human Rights Commission or other relevant authorities for further action to be taken.

The creation of the Ethnic Relations Commission is the most recent constitutional measure taken to consolidate and protect those gains made since Guyana attained republican status.

73. The citizens of Guyana are all entitled to free medical attention. Article 24 of the constitution provides that every citizen is entitled to free medical attention and also to social care in the case of old age and disability.

No racial criteria are used to decide who receives medical attention.

74. Government provides more than six billion dollars per year to the Georgetown Public Hospital and other institutions to facilitate free medical care to all. The only requirement to get medical attention is one's illness. No racial criteria are used in informing the decision of medical personnel as to who is deserving of treatment.

In addition to the public hospital facilities, Government has also embarked on a program to provide clinics and health centers in suburban, rural and hinterland communities, to ensure that all citizens are able to access proper and adequate medical care.

75. The Ministry of Labour, Human Services and Social Security is the primary contributor to the social well-being of the Guyanese society through the formulation and execution of appropriate policies and programmes providing a range of social services for all Guyanese. These include programmes for women's development, the elimination of violence against

women and against child abuse, the promotion of children's rights, care of the elderly, probation and family welfare services. Moreover, social assistance in various forms is provided to the needy, disabled and destitute families and also to those in difficult circumstances. This includes the provision of uniforms for needy children who are attending school. Also, pensions are provided for the aged. The ministry also administers institutions that offer live-in accommodation for those who are aged and destitute, a shelter for the street children and a drop-in centre for the homeless.

76. Article 27 of the Constitution provides that all citizens have a right to free education and training. There are equal opportunities for all to access education and training within the urban and rural areas of Guyana. The Government has been actively constructing schools in the hinterland areas to enable all races living there to readily access educational facilities.

77. At one time only primary education was offered in the hinterland. However, within the last 3 years a secondary department was added to some primary schools in the interior area and a number of secondary schools were also built.

78. The scholarship programs are open to all races. The criteria used to decide on who is eligible for such scholarship are strictly on the basis of academic performance.

79. With respect to other rights such as the right to equal participation in cultural activities and the right of access to places of service, there are no hindrances to prevent the empowerment of these rights.

80. It is reported that no direct measures have been taken by the Government of Guyana to prevent the practice of arranged marriages which has traditionally been a characteristic of rural East Indian families particularly. This practice appears to be on the decline based on general observations and this may be attributed to a process of re-acculturation of the East Indian family and its incorporation into the mainstream culture. Though the practice of arranged marriages in the traditional sense is lessening, it exists within another context driven by economic motives and for migration and residency/citizenship purposes, and this is in fact practised by all races.

### **Article 6**

81. Art. 153 of the Constitution provides for the enforcement of the protective provisions of fundamental rights under Chapter III of the Constitution. Thus, a person who feels that he/she has been discriminated against, may bring an action in the high court to seek redress. Persons are assured under Article 122A of the Constitution, of the impartiality and independence of the Judges of all Courts.

82. Persons acting by virtue of any public authority shall not treat a person in a discriminatory manner. Provisions for disqualification of such acts are made in Article 228.

83. Where the offender is a public official, the complainant may make a complaint to the Ombudsman or to the Ethnic Relations Commission for it to be investigated.

## Article 7

84. Article 27 of the Constitution guarantees that every citizen is entitled to the right to education irrespective of racial or ethnic origin. Because of Guyana's cultural diversity, every person is allowed his/her freedom to practice his/her religion without prejudice. The Constitution explicitly provides in Article 145(2) that "No religious community shall be prevented from providing religious instructions for persons of that community." Further, sub-article 3 provides that except with his/her consent, no person attending any place of education shall be required to partake in any religious ceremony or observance if it is contrary to his/her beliefs.

85. The leaders of the Guyana Bar Association (GBA), the Private Sector Commission (PSC) and the Guyana Trades Union Congress (GTUC) are all Social Partners; a non-partisan, multiracial lobby group. The group played a discreet but watchful part in the debate on the main problems of Guyanese Society in 2002. It believes strongly in the economic and social development of Guyana and has thus consistently called on politicians and parties to focus primarily on these issues in order to transcend racial polarization. This group has drawn the main political parties into compromise and encouraged them to make room for civil society in the political debate and economic policy-making. It acts as an informal conduit for intimate dialogue between the various protagonists.

86. Meetings with young members of various associations - Rights of Children (ROC), the Lethem Young Achievers' Club, Guyana Youth Development Association and the United Nations Association - gave cause for considerable hope of positive developments in the situation in Guyana. These youth groups, some formal, some informal, and generally multi-ethnic in membership, are making efforts to break through racial barriers by taking concrete action to encourage "living together", and by reflecting on the various problems of Guyanese society and putting forward proposals. ROC, for example, launched a friendship campaign in 2000, which involved, among other things, distributing posters, T-shirts and stickers calling on the Guyanese to take the "Race Free Zone Pledge", proclaiming their environment free of racial prejudice, attitudes and actions. The Lethem Young Achievers' Club, in the south, on the border with Brazil, a group consisting mainly of mestizos, face up to slurs on their identity with confidence, humour and a desire to excel beyond prejudice.

87. The Guyana Human Rights Association (GHRA) is another key body in the defence of human rights. It is well known for its monitoring of action by the Government and the political parties and for its human rights education for the general public. Its publications, such as the report on police violence between 1980-2001, carry considerable weight.

88. The Carter Center, which is funded by the United States Agency for International Development (USAID), supports projects aimed at improving governance and the administration of justice, and at developing alternative conflict-resolution mechanisms, in particular mediation between individuals and communities. It also supports the constitutional reform process and to that end encourages dialogue between the parties. The University of Guyana has also set up a conflict-resolution programme with the support of the Carter Center and international donors. The United Nations Association of Guyana has informed that, with the support of the Canadian

International Development Agency, it has been running a community programme on peaceful conflict resolution for young people and adults since 2000. The programme has been made available to schools, NGOs and political parties, and the United Nations Association of Guyana would ultimately like to establish community peace councils in various localities, that would intervene promptly in cases of potential conflict.

89. Despite the occurrence of ethnic polarization in Guyana, it is reported that there is the establishment of a new political climate that is likely to temper this. The Guyanese leaders, notably, the President and Opposition leaders have publicly declared their political will to introduce consensual political reforms to promote enhanced democratic cooperation between Government and opposition. What seems to be a significant first step in the implementation of this political will, was the establishment of a multiparty constitutional parliamentary Human Rights Commission to seek out democratic, sustainable solutions to the main problems of Guyanese society. The work of this Commission is to be enhanced by that of other rights commissions. The problems to be addressed by these commissions relate to the political issues and the aspects of social life of the greatest sensitivity and importance to the people of Guyana and have a direct bearing on the question of discrimination and racism: ethnic relations, human rights, gender equality, indigenous peoples, children rights, public safety and constitutional reform.

90. Furthermore, as if to concretize all this is a joint communiqué between the President and Opposition Leader Mr. Robert Corbin, issued in May 2003 reflecting the necessary political commitment at the highest levels to ensure democracy, peace and development in Guyana.

A copy of the communiqué is annexed hereto and marked as **Appendix VIII**.

### **Education and Teaching**

91. The ERC has already engaged in a number of public education and awareness programmes which are intended to promote values of racial tolerance and understanding throughout the country. In addition to sensitizing the population on the mandate of the ERC and its powers to receive allegations of racial and other forms of discrimination, the ERC, supported by the multi-UN agency multi-donor Social Cohesion Programme, has trained a number of community-based facilitators on dispute resolution and conflict management. In addition, the ERC has organized a series of basic and advanced conflict transformation workshops for a number of target audiences, including the media, cultural and religious groups, parliamentarians and political parties.

92. The ERC also launched a nationwide film festival to promote ethnic, religious and racial tolerance by showing educational films from different countries to show how racial and religious conflicts are managed in other parts of the world. Following the showing of the films, ERC-trained facilitators moderated discussion groups, the outcomes of which are intended to be transmitted to Government to inform related policy and decision-making. The ERC also organized a panel discussion during the visit of the Special Rapporteur to Guyana, on the elimination of racism, racial discrimination, xenophobia and related intolerance.

93. The work of the Ministry of Education (MOE) and all its attendant units and departments is circumscribed by the provisions of the Constitution of the Co-operative Republic of Guyana as it relates specifically to human rights. Section 55 of the Draft Education Bill, 1998, regarding Admission states “No child shall be denied admission into any public educational institutional on the basis of sex, race, ethnic origin, religion, social status or political persuasion.

94. The MOE policy document of 1995 restates the long-standing intention of the Ministry to make quality education available to all Guyanese children from the nursery level to at least age 16 in order to establish a moral base for a progressive and harmonious society. This policy is extended to ensure full access to opportunities for further educational studies. Equality of access to teacher training is extended to ensure full access to opportunities for further educational studies. Equality of access to teacher training is enhanced through the implementation of ministry policy to extend coverage across the country of vocational and teacher training. Also enshrined in the MOE policy is the principle of equality of opportunity for appointment of staff in schools and in public service positions under the auspices of the Teaching and Public Service Commissions respectively. The Mission of the MOE is to ensure that all citizens of Guyana, regardless of age, race or creed, physical or mental disability, are given the best possible opportunity to achieve their full potential through equal access to quality education and as such the 2003 to 2007 Strategic Plan includes the objectives to achieve universal access to quality secondary education and an increase in the level of respect for tolerance of diversity by 2007.

95. Textbooks, curriculum guides and other curriculum support materials are produced by authors of different ethnicities and highlight all racial groups. There is curricular provision for the teaching of Human Rights, Citizenship and Life skills to reflect the ethnic diversity of the population. The MOE collaborates with civil groups and non-governmental organizations to develop programmes for teachers and students to increase racial tolerance, develop appropriate pupil attitudes, encourage mutual appreciation of cultural differences and to increase awareness of the universal entitlement to basic human rights.

96. Teacher training courses include preparation for the teaching of human rights, life skills curriculum, and moral education, which focuses centrally on tolerance of all ethnic groups.

97. Ethnic groups are mixed for residential accommodation, peer group counselling and in tutorial groups, with a wide range of opportunities provided for sharing cultural traditions and strengths.

98. The Amerindians, who are native to Guyana, are mainly located in hinterland areas and are remote from the concentration of services readily accessible in the capital Georgetown and other coastal locations. This geographical disadvantage is being addressed through the implementation of a number of projects to upgrade, train and improve the quality of teachers in remote areas of the country. Hinterland teachers can now receive a Trained Teachers Certificate through Distance Education modalities to address the shortage of trained teachers in those areas. A programme piloting the use of Amerindian indigenous languages for first language tuition is underway and teachers from hinterland areas will benefit from further support under an Education For All Initiative commencing in 2006. Community-based school feeding programmes will bring further benefit to pupils attending schools in remote areas.

99. The UNICEF-funded *Escuela Nueva* Project is geared to improve the educational curriculum in the hinterland regions and seeks to provide Amerindian students equal access to education. The project also encourages a philosophy of respect for children and their rights and involves parents and others in the local communities to participate in the development of educational priorities. It was implemented in 1993 and was divided into 2 phases. Phase 1 started in 1993 and was completed in 1998. Phase 2 started in 2000 and will be completed in 2005.

These Phases were introduced in pilot schools in Santa Rosa in Region 1; and Surama and Aishalton in Region 9. The Regional Chairman of Region 9 reported that the *Escuela Nueva* Project has had a significant impact on the students. There has not only been a change in their attitude from timid and subdued children to more confident individuals, but an improvement in examination performance in the pilot schools in Region 9. The Project has generally been rated as being successful in training teachers and improving pupil performance.

## **Culture**

100. It must be noted that fostering and promoting understanding, tolerance, co-existence and friendship among racial or ethnic groups has always been part of the Guyanese culture. The national motto "One People, One Nation, One Destiny" epitomizes this commitment.

101. The commemoration of Guyana's Republic Anniversary on February 23 each year sees a huge and diversified outflow of national unity in the form of Mashramani celebrations. Each year's "Mash" celebrations are themed within the context of national unity including that of ethnicity. The theme of 2004 "Mash" celebrations is "Unity, Beauty and more in 2004".

102. Music is also another channel through which racial understanding and tolerance are promoted. In this regard, the annual National Chutney, Soca and Calypso competitions are held around the Mashramani season. In addition, there are also other cultural shows from the level of the school system that culminate in a national competition.

103. Guyana also observes the International Day for the Elimination of Racial Discrimination as well as other similar United Nations special observances. A statement by the President and/or Minister of Foreign Affairs is made. Religious bodies are invited to make note of these observances. Educational institutions are also advised of these occasions so as to hold special meetings to commemorate them.

104. In 1995, in an effort to preserve Amerindian Culture, September was designated "Amerindian Heritage Month", and September 10, "Amerindian Heritage Day". During September, there are a number of activities highlighting Amerindian culture. In 2001, the first Miss Amerindian Heritage Pageant was held and involved young Amerindian women from all the Administrative Regions.

105. There is also the celebration of Arrival Day in May for all races who had come originally to colonial Guiana. There is also the African Heritage Month in October.

106. Indo-Guyanese are predominantly Hindus while Afro-Guyanese are predominantly Christians. The majority of Muslims are overwhelmingly Indo-Guyanese with a small component of Afro muslims. Recently the emergence of an Inter-Religious Council in which all major religious movements are represented attests to an effort to improve relations between religions and thereby improve racial harmony.

107. The Indo- and Afro- cultures are strongly defined in dance, music and fashion. Cultural celebrations such as *melas* and emancipation celebrations are mainly ethnic in terms of performance and programme. But, members of other ethnic groups are welcome and participate. The younger generation is accustomed to eating foods of all the ethnic groups in Guyana, and does not feel as constrained as their elders with respect to ethnic dress or music.

### **Information**

108. Since the early 1990s a plethora of television stations have emerged in Guyana providing access to local programming at relatively cheap rates. A number of these stations broadcast to specific ethnic communities in terms of their programme content. In times of racial tension since 1997, these television stations become a potent source of racial incitement. Legislation with heavy penalties has been introduced to address this problem. However, it is difficult to apply the legislation without creating racial indignation and charges of discrimination.

Nevertheless, the Guyanese media, more so print and television, has been instrumental in bringing an awareness of human rights issues to the public. Particular focus is placed on the subject during the commemoration of Human Rights Day and other similar activities.

109. In 2003 Rights of Child (ROC) carried out a survey of over 2,000 young people's opinions on race and other issues of concern to them. In the survey 97% of young people stated they had friends of other races and 72% of them believed inter-racial friendships were more popular than when they had first started school. In contrast with this optimistic information, almost two-thirds claimed to have witnessed acts of racial discrimination and one-third had experienced them. In terms of improving racial harmony, the 2 areas in most need of attention were identified as political life (61%) and schools (42%).

### **Information and publicity**

110. In Guyana, no cases have been brought before the courts with regard to violation of rights through racial discrimination. Information on the various human rights instruments is readily available on the Internet. There is no need for translation as the Convention is readily available in English, the official language of Guyana.

### **Conclusion**

111. Guyana, in spite of critical problems of financial and human resources, has, since ratifying the *International Convention on the Elimination of All Forms of Racial Discrimination*, progressed in complying with its standards. Much has been achieved but the Government is nevertheless aware of the many challenges which still exist in pursuit of alleviating ethnic tensions. This report has provided information on programmes and policies, which have been formulated, and are being implemented.

112. The recommendation of the Committee on the Elimination of all forms of Racial Discrimination to seek assistance from the Office of the High Commissioner for Human Rights (OHCHR) has been actively pursued. To this end therefore, Guyana is most grateful to the OHCHR for availing the services of a Consultant to assist in the preparation of this report and to provide information on and guidance in general human rights report preparation.

113. As regards future reports, it is the desire of the Government of Guyana to put in place an efficient and reliable system of reporting to ensure timely submission of these reports. To this end, it is hoped that a permanent electronic data-base system and a unit with skilled personnel would be established.

114. It is envisaged that over the next few years, much more will be achieved if the various plans of action articulated herein, and others to be yet formulated, are actively pursued.

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