UN Human Rights Council
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Presentation on Guyana
by
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Introduction and Background

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Guyana is a plural society developed largely on the labour of enslaved Africans. The enslaved and their descendants have been, for over four hundred years, subjected to institutional and legal regimes aimed at exploiting and subjugating them. The end result was and is the creation of a socio-economic and cultural order where African descendants were and are the most targeted and affected by the subjugating institutional and legal regimes and continue to be victims in a society that has thrived on, and been characterized by, ethno-political rivalry and socio-economic inequalities, in the economic sphere and ethno-political competition and domination in the political sphere.

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IDPADA-G was launched in 2018 as the civil society coordinating mechanism for Guyana's programmatic response to the United Nations declared International Decade for the People of African Descent. It is an umbrella organization comprising seventy-eight organizations; the majority are organizations of longstanding in their communities, predating the declaration of the decade. Some of IDPADA-G'S founding members participated in the Durban Conference of 2001 as Pan-African organizations that subscribed to the ideals of the Durban Conference in the context of Guyana's reality.

It is in this context that IDPADA-G answered the call of the decade and seeks to advocate for, and engineer, institutional and legal transformation in Guyana for the equitable development of the historically disadvantaged African Guyanese community.

In this effort, IDPADA-G is confronting the State and a status quo that does not acknowledge the long-standing and inherited challenging state of Guyanese of African descent. In response to the State's intransigence on the need to review and reform oppressive legal and institutional frameworks, the African Guyanese community finds shelter and hope in the goals (recognition, justice, and development) of the UN declared decade; and strives for betterment. Participation in fora such as the Universal Periodic Review, inter alia is an integral part of our strategy to achieve transformation and liberation.

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Notably, notwithstanding IDPADA-G's leadership role in, and coverage of, the African-Guyanese community, neither the organization nor any of its members was invited to the State-sponsored consultation that was held as a prelude to the State's engagement in the 2025 UPR. Of the fifty organizations purportedly invited only thirteen participated. That in itself tells a story about the state of the organizations and or their disposition to the state; as well as the representative nature of the State's consultations.

What follows will minimally illustrate our dilemma and articulate our aspirations for individual, national and global actions in an effort to attenuate the status quo.

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Thematics

This presentation will focus on two thematics:

A. ***Participation in Public Affairs and the Right to Vote;***
B. ***Racial Discrimination***.

A. Participation in Public Affairs

1. Article 9 of the Constitution of Guyana clearly states: "*Sovereignty belongs to the people, who exercise it through their representatives and the democratic organs established by or under this Constitution*".
   Opposition is frequently denied fair hearing in Parliament, resulting in the denial of equal representation to a wide cross section of the society, since the government holds only a one seat majority. Since 2020, 75% of the Opposition's motions have not been raised and debated in Parliament.
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2. In Article 12, it is further stated that "*Local government by freely elected representatives of the people is an integral part of the democratic organization of the State."*

These provisions of the Constitution are routinely breached. For example:

a. The President and Ministers of Government have publicly stated that they will relate directly to the people without engaging their local elected representatives. Their conduct of public outreach events demonstrate –this as attendees are addressed in a biased political manner, with little scope for exchange or representation.

b. In May 2024, a visiting American Congressman was forced to admonish his chaperone, a senior central government official, to allow free dialogue and engagement with local

community residents. The Minister was intent on choreographing the engagement to the exclusion of an opportunity for the people and their representatives. [1]

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3. **Protection of the right to vote**.

This callous disregard and silencing of the public are further exemplified by the manner in which the commission responsible for conducting elections manages its responsibilities – violating the protection of the right to vote and the implied guarantee of a free and fair process.

Here are three of the numerous examples of brazen violation of the right to vote and the expectation of fairness:

1. **An in-transparent and corrupted process – disregard for the verification of ballots**. In the March 2020 election, it was discovered that 47 ballot boxes in a predominantly Indian Guyanese district were not accompanied by the statutory documents necessary for the authentication of the ballots in those boxes, yet those ballots were counted and attributed instead of a special election in that area to ensure the validity of the votes and the transparency of the elections.

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2. **Failure to effectively manage Election outcomes – e.g. allocation of seats in Parliament.** Further the election commission with responsibility for the identification of the people's constitutional representatives, has allowed the current Deputy Speaker of the National Assembly to retain a seat in the Assembly even though her term has expired. This failure to perform this critical function has denied representation to a section of the electorate and imposes a person not elected by the population, which is against any democratic process. The electoral body has refused to take responsibility for its action which may have been a negligent act or malfeasance. The legal regime that regulates such matters is anachronistic and provides little or no scope for redress, thus exemplifying the need for legal reform as called for in the UN's declaration of the decade.

3. **Refusal to conduct an internal review and improve the conduct of elections** In the face of myriad problems that marred the 2020 elections, including the verification by the Chief Immigration Officer that votes were reportedly cast for absentee voters. The Chairperson of the Elections Commission has refused to evaluate the elections' conduct to identify flaws in its system, which, if rectified, can enhance its

[1] https://villagevoicenews.com/2025/01/20/guyana-needs-a-social-contract-to-counter-ppp-exclusion-and-marginalisation-says-granger/

capability to conduct free and fair elections. Although such recommendations were also advanced by international observers from the EU, Commonwealth, OAS and Carter Center.

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Racial Discrimination

In the interest of time one example will be provided to illustrate the deliberate nature of the breach of Human Rights in the sphere of employment and allocation of lands. This case can also be extrapolated into the sphere of procurement and the conduct of other matters.

A senior police officer has recently approached the court seeking justice in the face of covert discriminatory practices that he was instructed to employ. To wit, he was instructed to show preference for Indian Guyanese persons in the employment and promotion of policemen without any public policy in that regard and with complete disregard for meritocracy. This disposition was earlier reported on by the then Chairman of the Police Service Commission who was summoned by the President and instructed to promote named officers of the President's choice without any reference to their qualifications or experience. The chairperson's refusal to comply resulted in false charges being brought against him and policemen who merited promotion. These charges were subsequently dismissed by the Court, while the President's handpicked candidates were promoted by a successor Commission which ignored the Court's ruling on the eligibility of the promotion of those previously identified. Notably, all of the affected persons were Guyanese of African descent, and the chosen ones were either of Indian descent or candidates who publicly and unprofessionally showed allegiance to the Government rather than the State.

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With regard to lands, the instance of African Guyanese being violently and destructively evicted from lands they had occupied for housing, commercial and agricultural purposes for decades, under the blatant misrepresentation that the lands were required for road construction is a clear case of non-recognition; the perpetration of injustices; and stymying the developmental efforts of a select group of people of African descent. Discrimination is a mild term for the description of such actions.

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Update on 2020 Recommendations

The majority of the recommendations of the 2020 Universal Periodic Review have not been implemented or where laws have been enacted as recommended, they are largely not being enforced. For example:

1. The continued failure to appoint the Chancellor and Chief Justice of the Judiciary, both of whom have been acting for seven years,
2. Not engaging "in meaningful, proper and frequent consultations, recognising Free Prior and Informed Consent (FPIC) with Indigenous peoples; and following all provisions in the Environmental Protection Act."

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3. The Ethnic Relations Commission has breached its constitutional mandate to hear and redress complaints; complaints filed are neither acknowledged nor answered.
4. The government's inability to establish the Human Rights Commission continues to impede the right of citizens to properly redress violations and enjoyment of rights.

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IDPADA-G RECOMMENDATIONS

A. ***Participation in Public Affairs and the Right to Vote***

1. Participation in Public Affairs, that GoG:
    a. Equally recognize, meaningfully engage (through established channels) and properly fund all locally elected bodies in decision-making, policy planning, development and all matters affecting local communities regardless of political affiliation.
    b. Recognize the right of citizens to freedom of speech and desist from the use of oppressive mechanisms to stymie dissenting voice.
    c. Respect the right to freely participate in public affairs.

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2. The right to vote – that GoG:
   Take immediate action to protect the right to vote by:
    a. Implementing the recommendations of the International observers of the 2020 election
    b. Encouraging the commission to conduct an internal review and improve the conduct of elections.
    c. Ensure the integrity of the upcoming 2025 elections by supporting the use of biometric identification at the place of polling.

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B. Racial Discrimination – that GoG:

a. Conduct Ethnic Disparity Assessments to establish the comparative state of the ethnic groups in Guyana and to determine the actions required to achieve equity

and address racial discrimination. It should base economic and social policy on data derived from these assessments.

b. Implement the Human Rights Commission to monitor and address racial discrimination in all areas of society including hiring, land ownership, award of contracts, etc.

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c. Urgently review and launch a process for the legal reform of the anachronistic legal regime as called for in the UN's declaration of the decade to reflect the goals of a free and equitable society and allow greater scope for redress.

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Conclusions

Since the last review, not much has been done to implement the recommendations and new violations have arisen – such as the racial discrimination in the form of economic exclusion from meaningful participation in the new oil and gas sector.

On one hand there has been lip-service, while actual implementation has been observed in the breach. In some instances, accusations have been met with historical distortions, revisionism and pandering to external factors for example the State's response to the Decade for People of African Descent. While they pander to domestic and international audiences on the question of reparations, the need for local institutional and legal transformation so clearly identified in the proclamation of the Decade is ignored.

Civil society is challenged to expose the duplicity of this Government and demand the respect of and protection of the rights of all Guyanese, equally.

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