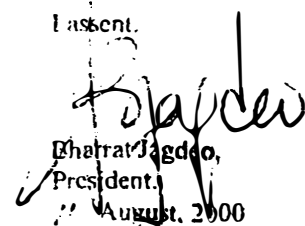




GUYANA

ACT No. 11 of 2000

CONSTITUTION (AMENDMENT) (No. 2) ACT 2000

Enacted.

Bharrat Jagdeo,
President.
August, 2000

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Insertion of new articles 212A to 212F (inclusive) in the Constitution.

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AN ACT to alter the Constitution in accordance with articles 66 and 164.

A.D. 2000 Enacted by the Parliament of Guyana:-

Short title. 1. This Act may be cited as the Constitution (Amendment) (No. 2) Act 2000.

Insertion of new 2. The Constitution is hereby altered by the insertion immediately after
articles 212A to article 212 of the following articles –
212F (inclusive)
in the
Constitution.“Ethnic Relations 212A. There shall be an Ethnic Relations Commission
CommissionComposition of 212B. (1) The Ethnic Relations Commission shall consist of—
Ethnic Relations
Commission.

(a) not less than five nor more than fifteen members nominated by entities, by a consensual mechanism determined by the National Assembly, including entities, representative of religious bodies, the labour movement, the private business sector, youth and women, after the entities are determined by the votes of not less than two-thirds of all elected members of the National Assembly;

(b) a member who shall be a nominee, without the right to vote, chosen by and from each of the following commissions to be established under this Constitution, Indigenous People’s Commission, Women Gender Equality Commission for the Rights of the Child and Human Rights Commission.

(2) The Chairperson and Deputy Chairperson of the Ethnic Relations Commission shall be elected by and from the members of the Commission, other than the members mentioned in paragraph (1) (b), using such consensual mechanism as the Commission deems fit.

(3) Subject to paragraph (4) (a), members of the Ethnic Relations Commission shall be appointed for three years and shall be eligible for re-appointment.

(4) (a) Of those members first appointed under paragraph (1) (a), a majority shall hold office for four years.

(b) Of those members nominated under paragraph (1) (b), the duration for which each shall serve shall, subject to paragraph (3) be determined by the Commission by and from which that member is nominated.

- (5) The Ethnic Relations Commission shall establish a secretariat comprising its officers and employees:
- (6) The Ethnic Relations Commission shall appoint a Chief Executive Officer, who shall serve as Secretary, and such other officers and employees as may be necessary for the efficient discharge of its functions, on such terms and conditions as may be determined by the Commission, save that the remuneration of the officers and employees shall be subject to the approval of the National Assembly.
- (7) The provisions of article 225 shall apply to the office of a member of the Ethnic Relations Commission, and for the purposes of paragraphs (4) and (6) of that article the prescribed authority shall be the Speaker of the National Assembly except that, in relation to a member other than the Chairperson of the Ethnic Relations Commission or a member for the time being acting in the office of the Chairperson under the next following paragraph, the prescribed authority for the purposes of the said paragraph (6) shall be the Chairperson of the Ethnic Relations Commission.
- (8) If the office of Chairperson of the Ethnic Relations Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, then the holder of the office of Deputy Chairperson, or if that office is vacant or the holder thereof is for any reason unable to perform the functions of the office of Chairperson, such one of the other members, other than a member nominated under paragraph (1) (b), as the Commission may appoint, shall act in the office of Chairperson; and the Deputy Chairperson or such other member shall continue so to act until a person has been appointed to the office of Chairperson and has assumed the functions of that office or, as the case may be, until the Chairperson, or if a member other than the Deputy Chairperson is acting therein, the Deputy Chairperson has assumed or resumed those functions.
- (9) If the office of a member of the Ethnic Relations Commission, other than the Chairperson, is vacant or if the holder thereof is acting as Chairperson under the preceding paragraph or is for any other reason unable to perform the functions of his office, a person may be appointed to act in that office and the provisions of paragraph (1) shall apply to such an appointment as they apply to the appointment of a person to hold the office of the member concerned; and any person appointed under this paragraph shall, subject to the provisions of paragraph (7), continue to act until a person has been

appointed to the office in which he is acting and has assumed the functions thereof or, as the case may be, until the holder thereof resumes those functions:

Ethnic
Relations
Commission
Tribunal

212C. Parliament may by law provide for the establishment of an Ethnic Relations Commission Tribunal and such law may make provision for –

- (a) the constitution of the Tribunal;
- (b) all matters relating to the jurisdiction, powers and duties of the Tribunal;
- (c) all matters relating to appeals from decisions of the Tribunal, including a right of appeal to the Court of Appeal on points of law; and
- (d) the practice and procedure of the Tribunal.

Functions of
The Ethnic
Relations
Commission

212D. The functions of the Ethnic Relations Commission are 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 discriminatory practices on the ground 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) promote educational and training programmes and research projects which provide for and encourage ethnic peace and harmony;
- (f) encourage and create respect for religious, cultural and other forms of diversity in a plural society;
- (g) promote arbitration, conciliation, mediation and like forms of dispute resolution in order to secure ethnic harmony and peace;

- (h) establish mechanisms and procedures for arbitration, conciliation, mediation and like forms of dispute resolution that would ensure ethnic harmony and peace;
- (i) recommend to the National Assembly criteria to be considered for the purposes of deciding whether any person has committed acts of discrimination on the ground of ethnicity;
- (j) investigate complaints of racial discrimination and make recommendations on the measures to be taken if such complaints are valid, and where there is justification therefor refer matters to the Human Rights Commission or other relevant authorities for further action to be taken;
- (k) monitor and review all legislation and administrative acts or omissions relating to or having implications for ethnic relations and equal opportunities and, from time to time, prepare and submit proposals for revision of such legislation and administrative acts and omissions;
- (l) immediately report to the National Assembly and to all relevant authorities any proposed legislation which the Commission thinks may be contrary to the constitutional provisions relating to ethnicity;
- (m) promote equal access by persons of all ethnic groups to all public or other services and facilities provided by the Government or other bodies;
- (n) promote and encourage the acceptance and respect by all segments of the society of the social identity and cultural inheritance of all ethnic groups;
- (o) promote cooperation between all bodies concerned with the fostering of harmonious ethnic relations;
- (p) investigate on its own accord or on request from the National Assembly or any other body any issues affecting ethnic relations;
- (q) identify and analyse factors inhibiting the attainment of harmonious relations between ethnic groups, particularly barriers to the participation of any ethnic group in social, economic, commercial, financial, cultural and political endeavours and recommend to the National Assembly and any other relevant public or private sector bodies how these factors should be overcome;

- (r) monitor and report to the National Assembly on the status and success of implementation of its recommendations;
- (s) study and make recommendations to the National Assembly on any issue relating to ethnic affairs, including conducting studies to determine whether race relations are improving;
- (t) monitor and make recommendations to the National Assembly and other relevant public and private sector bodies on factors inhibiting the development of harmonious relations between ethnic groups and on barriers to the participation of all ethnic groups in the social, economic, commercial, financial, cultural and political life of the people;
- (u) consult with other bodies and persons to determine and specify the perceived needs of the various ethnic groups for the fostering of harmonious relations;
- (v) train and enlist the aid of such persons and acquire such facilities as the Commission deems necessary to accomplish its functions;
- (w) make recommendations on penalties, including the prevention of any political party or any person from participating in elections for a specified period, to be imposed for any breach of the provisions of this Constitution or of any law dealing with ethnicity;
- (x) do all other acts and things as may be necessary to facilitate the efficient discharge of the functions of the Commission.

Reports

- 212E. (1) As soon as practicable after the end of each financial year of its operation, the Ethnic Relations Commission shall submit to the Speaker of the National Assembly an annual report of the activities of the Commission for the preceding year and the report shall, be laid before the Assembly within thirty days of its submission if the Assembly is sitting, and if the Assembly is not sitting, at the first meeting on the resumption of the Assembly.
- (2) The Chairperson of the Ethnic Relations Commission may at any time submit a special report to the Speaker of the National Assembly with respect to any aspect of the functions of the Commission which the Commission considers should in the national interest be brought to the attention of the Assembly because it

affects a wide cross section of the populace and there could be disastrous consequences if a report thereon is not brought to the attention of the Assembly.

- (3) The Commission shall prepare and publish an executive summary of its annual report; and shall publish every special report in the media, having wide accessibility, within forty-five days of the submission of such special report to the National Assembly.

Rules.

- 212F. (1) Subject to the approval of the National Assembly, the Ethnic Relations Commission shall make rules relating to the procedure of the Commission and to such administrative and managerial matters relating to the procedure of the Commission as it thinks fit; and until such rules relating to the procedure are made, the Commission shall regulate its own procedure.
- (2) Except paragraphs (2), (6) and (7) and the provisos to paragraphs (4) and (5), the provisions of article 226 shall **mutatis mutandis** apply to the Ethnic Relations Commission.”.

Passed by the National Assembly on 3rd August, 2000.



F. A. Narain,

Clerk of the National Assembly.

(BILL No. 9/2000)