



General Public Complaint Guidelines

Prepared by:
Ethnic Relations Commission (ERC)
Guyana

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Promoting Harmony and Good Relations

Contact Information:
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Introduction

1.1. Objective: To ensure all complaints related adversely to ethnic and racial relations and potential violations of ethnic rights are addressed promptly, transparently, and in line with the Constitution of the Cooperative Republic of Guyana, specifically under the guidance of Article 212D (a)-(x).

1.2. Scope: This policy applies to all citizens and stakeholders of the Cooperative Republic of Guyana in matters falling under the jurisdiction of the Ethnic Relations Commission.

2.1. Preamble & Mandate: The Ethnic Relations Commission (ERC) of Guyana, as delineated under the Constitution of Guyana, holds a critical mandate centred on addressing and investigating discrimination based on race and ethnicity. This Commission is empowered to scrutinise instances where individuals or groups are mistreated or subjected to biases based on their racial or ethnic identities. Its responsibilities include examining complaints and reports of racial discrimination, ensuring that such matters are thoroughly investigated as delineated under Article 212D (j) and (p) in keeping with legal and ethical standards. The ERC's role is pivotal in promoting harmony and understanding among the diverse ethnic groups in Guyana, working towards a society where equality and respect for all races and ethnicities are upheld. Through its investigative powers and commitment to justice, the ERC plays a crucial role in maintaining the social fabric of Guyana by addressing and mitigating racial and ethnic tensions and conflicts.

3.1. Definitions:

- **Complainant:** The person or entity making the complaint.
- **Respondent:** The person, entity, or institution against whom the complaint is made.
- **Race:** The anthropological study of race is broadly understood as a social construct that categorises people based on perceived physical differences, such as skin colour, facial features, and hair texture, among others. It's important to note that from a scientific and anthropological perspective, race does not have a basis in genetic differences that are significant enough to separate humans into distinct biological groups. This concept emphasises the role of societal, historical, and cultural contexts in the creation and significance of racial categories, highlighting how these classifications affect social interactions and structures.

Reference:

- Smedley, A., & Smedley, B. D. (2005);
- American Psychologist, 60(1), 16-26
- American Anthropological Association. (1998). *Statement on "Race"*. Retrieved from <http://www.aaanet.org/stmts/racepp.htm>

- **Ethnicity:** Ethnicity is defined by anthropologists as a category of people who identify with each other based on shared social, cultural, and historical experiences, distinguishing themselves from different groups. This concept encompasses language, heritage, religion, and customs. Ethnicity, unlike race, is understood as a more fluid and intersecting identity marker, deeply rooted in cultural expressions and historical context rather than physical characteristics alone (Eriksen, 2002).

Reference:

- Eriksen, T. H. (2002). *Ethnicity and Nationalism: Anthropological Perspectives* (3rd ed.). London: Pluto Press.
- **Religion:** Religion is a complex and multifaceted phenomenon that generally involves belief in a higher power or spiritual realm, a set of moral, ethical, and philosophical beliefs, and practices such as prayer, meditation, or rituals. It often encompasses a community of believers who share a common understanding of the sacred and the transcendent. Religion can provide a framework for understanding the meaning and purpose of life, guide moral and ethical behaviour, and foster a sense of community and belonging. It can be organised, with structured doctrines and institutions, or it can be more personal and individualistic. Throughout history, religion has influenced culture, art, politics, and social structures, reflecting the diverse ways humans seek to understand and relate to the universe and their existence within it.

Reference:

- Durkheim, E. (1915). *The Elementary Forms of Religious Life*. New York: Free Press.
- Pals, D. L. (2015). *Eight Theories of Religion* (2nd ed.). New York: Oxford University Press.
- **Discrimination:** In keeping with the mandate of the ERC, Discrimination is the unjust or prejudicial treatment of different categories of people, especially on the grounds of race or ethnicity. It involves actions or decisions that negatively affect a person or group by denying them opportunities or rights available to others. Discrimination can occur in various settings, including workplaces,

educational institutions, housing, and public and private services. It can be based on explicit biases or implicit, often unconscious, attitudes. Discrimination can take many forms, including exclusion, harassment, differential treatment, and denial of accessibility or opportunities. It is a significant social issue that undermines equality, perpetuates social divisions, and harms individual well-being and societal harmony. Legal and social measures are often employed to prevent and address discrimination, ensuring fairness and equality for all individuals regardless of their characteristics or backgrounds.

- **Reference:** Allport, G. W. (1954). *The Nature of Prejudice*. Reading, MA: Addison-Wesley.
- Bell, D. A. (1992). *Faces at the Bottom of the Well: The Permanence of Racism*.

4.1 Making a Complaint:

- Complaints should be made in writing and submitted to a person designated to receive complaints on behalf of the ERC, in line with subsection (j) and (p) of Article 212D.
- If a complainant cannot write their complaint, arrangements will be made to assist them in taking the complaint.

4.2. Complaint Reception Channels

- Complainants, be they individuals or organisations, have multiple channels for submitting their concerns:
- a. **Letters:** Mailed to the official address of the ERC. 66 Peter Rose and Anira Streets, Queenstown, Georgetown.
- b. **Telephone Calls:** Directed to the official ERC hotline 231-6265 or 231-6281.
- c. **ERC Mobile App:** A user-friendly platform for direct submissions.
- d. **ERC Website:** Via a dedicated complaints section. [Home - Ethnic Relations Commissions \(erc.org.gy\)](https://erc.org.gy)
- e. **Emails:** Sent to the official email at Investigate@erc.org.gy (**Amended on 29/01/2025**)
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- f. **Walk-In:** Direct in-person submissions at ERC offices during working hours.

- **g. Facebook:** complaint submission. **(Amended on 29/01/2025 by Statutory)**
- **WhatsApp:** complaint submissions. **(Amended on 29/01/2025 by Statutory)**

4.3. Please Note: A complaint is considered official only after the Complainant has been interviewed by an investigative officer and the criteria outlined in the Ethnic Relations Commission (ERC) official complaints form have been met. This directive aims to ensure that the complainant understands their responsibility to provide sufficient information, enabling the ERC to understand their complaint comprehensively.

Note: *For complainants or respondents facing extenuating circumstances such as illness or disability, or for those residing in remote areas of Guyana, the Ethnic Relations Commission (ERC) will make the necessary arrangements to record your official complaint or statements at a time and location that is convenient for you. Please get in touch with our office to discuss your specific needs, and we will ensure that appropriate measures are taken to facilitate the process and ensure your accessibility to our services.*

OR

The complainant, respondent or witness can submit official complaints, responses to allegations, or statements through an affidavit. This affidavit must be prepared by a Justice of the Peace within the jurisdiction. If the parties are located outside the jurisdiction, the affidavit should be prepared by a Notary Public and submitted through an official consulate or embassy of Guyana. This process ensures that all documents are legally authenticated and properly transmitted to the appropriate authorities.

5.1. Contents of a Complaint: A complaint should include but not be limited to the following:

- Name and contact details of the complainant.
- Identification document or Number (National ID Card, Drivers Licence, or Passport) The complainant's identity must be established; therefore, no anonymous complaints would be accepted in keeping with transparency, accountability guidelines and ensuring that the respondent(s) are not disenfranchised or discriminated agents in the process.
- A clear description of the alleged incident(s)
- Date, time, and location of the incident(s).
- Names of any witnesses.
- Contact Information of witness
- Any evidence, if available.

6.1. Confidentiality: All complaints will be treated confidentially in alignment with national laws and policies, sharing details only with those required to address the

complaint and when the process of the ERC requires the respondent to be made aware. Act No. 21 of 2011 Access to Information.

7.1. Establishing a Prima Facie Case for Complaint Escalation:

Purpose: The Ethnic Relations Commission (ERC) is committed to ensuring a transparent, accountable process in handling complaints related to ethnic relations. To maintain the integrity of our processes and protect individuals from malicious targeting, the ERC requires **complainants** to establish a prima facie case before any complaint can be escalated to the stage of an investigation.

Definition: A 'prima facie case' (at first glance) refers to the establishment of enough evidence to suggest that a complaint is valid and merits further investigation. This evidence should demonstrate that the alleged incident could constitute a breach of Guyana laws relating to race and ethnicity.

Principles:

- **Transparency:** The process of establishing a prima facie case will be clear and communicated to all parties involved.
- **Accountability:** Every complaint is subject to the same rigorous standard to ensure fair treatment for all.
- **Protection from Malice:** This guideline is designed to prevent the misuse of the complaint process of the ERC for targeting individuals or groups without sufficient cause.

8.1. Procedure:

a) Submission of Complaint:

- Complainants are required to submit a detailed account of the incident, including dates, locations, and any involved parties.
- Relevant evidence supporting the claim should be attached, such as documents, recordings, witness statements, etc.

b) Initial Review:

- **Acknowledgment:** The Investigative Officer of the ERC will acknowledge receipt of the complaint within Seven (7) working Days.

- **Assessment:** The ERC will conduct a preliminary review of the submitted materials to determine if they meet the minimum threshold for a prima facie case. And determine if the complaint falls within the mandate of the ERC.
- This review does not constitute an investigation but is a necessary step to assess the seriousness and validity of the complaint.

c) Notification:

- Complainant will be notified of the outcome of the initial review. If a prima facie case is established, and it falls within the mandate of the ERC, the complaint will proceed to the investigation stage.
- If the case is not established, the complainant will be informed and asked to provide further information.
- If the complainant cannot establish a 'prima facie case' in support of its complaint, the matter will be sent to the ERC, Investigative Sub-Committee for determination (closure of complaint) or (further directives).

d) Investigation:

- upon review of the assessment described in **b)**, the ERC's head of the Investigative Unit will appoint an investigator upon the complaint submitted, fulfilling those requirements described in b).
- Both the complainant and the respondent will be contacted and invited to attend interviews to acquire further information or provide statements relating to the complaint.
- Evidence will be reviewed.
- The investigator will compile a report detailing their findings and recommendations per subsection (j) and (p) of Article 212D and provide the same to the ERC's Investigative sub-committee for further deliberation, action or decision.

e) **Decision:** The ERC will decide on the next steps based on the facts presented in the investigator's report and the constitutional powers and mandate vested in the ERC.

f) **Notification:** The complainant and respondent will be informed of the outcome.

9.1. Remedial Actions: If the complaint is substantiated, the ERC will recommend appropriate remedial measures, which may include the following:

- **Sensitization and education programme:** The Ethnic Relations Commission (ERC) is empowered under Article 212D (e) of the Constitution of Guyana to promote educational and training programmes and research projects which provide for and encourage ethnic peace and harmony.
- **Disciplinary actions:** Consistent and in compliance with the national legal framework concerning political parties, this pertains to members of political parties found to violate Article 212D (w) of the Constitution of Guyana.
- **Referring matters:** According to Article 212D (j) of the Constitution of Guyana, the Ethnic Relations Commission (ERC) is endowed with referral powers. Consequently, it has the authority to refer matters to the Human Rights Commission or other pertinent authorities for further action. This provision empowers the ERC to effectively delegate cases that require specialised attention or intervention beyond its constitutional mandate, thereby ensuring a comprehensive approach to addressing issues within its jurisdiction.
- **Arbitration:** is a method utilised for resolving disputes outside the traditional court system. It entails the involvement of an impartial third party, termed an arbitrator, who is responsible for hearing the arguments and examining the evidence presented by both parties. Subsequently, the arbitrator renders a decision aimed at resolving the dispute. The Ethnic Relations Commission (ERC) is explicitly empowered under Article 212D (g) of the Constitution of Guyana to advocate and promote this form of dispute resolution. Additionally, the processes and procedures of arbitration conducted under the auspices of the ERC are governed by the stipulations of the **Arbitrations Act, Chapter 7:03**.
- **Mediation:** Mediation is a conflict resolution process where a neutral third party, known as a mediator, helps disputing parties to reach a mutually acceptable agreement. Unlike arbitration, where the arbitrator makes a binding decision, a mediator facilitates communication, promotes understanding, and assists the parties in identifying their needs and interests to find a common ground. The Ethnic Relations Commission (ERC) is explicitly empowered under Article 212D (g) of the Constitution of Guyana to advocate and promote this form of dispute resolution.
- **Conciliation:** Conciliation is a form of dispute resolution where a conciliator, a neutral third party, helps the disputing parties to resolve their conflict by improving communication, clarifying misunderstandings, and exploring potential solutions. While similar to mediation, conciliation typically involves a more active role for the conciliator in suggesting and guiding towards a resolution. The Ethnic Relations Commission (ERC) is explicitly empowered under Article 212D (g) of the Constitution of Guyana to advocate and promote this form of dispute resolution.

10.1. Appeals: If either party is unsatisfied with the outcome, they can appeal the decision within Fourteen (14) working days via a letter to the Chairman of the Ethnic Relations Commission.

11.1 Tipoff Guidelines

11.2 Purpose of the Policy: To offer a channel for the public to report incidents, concerns, or information negatively associated with racial and ethnic issues while ensuring anonymity and protection from retribution. This policy is designed to foster a safe and inclusive environment, encouraging individuals to share pertinent information confidently. It is important to note that this platform is intended solely for third-party reports and should not be used for personal complaints.

a. Scope: This policy applies to all anonymous tipoffs provided by members of the general public related to race and ethnicity issues directed towards another person or concerning an organisation, its member(s), or its operations.

b. Content of Tipoffs:

While anonymity is maintained, tipsters are encouraged to provide as much relevant detail as possible, including but not limited to:

- Date and time of the incident or observation.
- Names of individuals involved (if known).
- Description of the incident, event, location or concern.
- Any evidence or corroborating information.
- Potential witnesses.

11.3. Handling of Information:

- All tipoffs will be treated with the utmost confidentiality.
- The credibility and relevance of each tip will be assessed to ensure that it meets the prima facie case criteria and falls within the mandate of the ERC. Where possible and appropriate, further investigation will be initiated.
- The organisation will engage with local law enforcement if a tipoff suggests criminal behaviour.

11.4. Protection of Anonymity:

- The ERC is committed to preserving the anonymity of all tipsters.

- No attempts will be made to trace or identify individuals providing information **unless the individual willingly comes forward.**
- If ERC accidentally receives any information that can identify a tipster, we will promptly delete it or remove the identifying details.

12.1. Conclusion: The ERC emphasises the importance of these guidelines in maintaining its credibility and effectiveness in managing ethnic relations. We encourage the public to approach the complaint process responsibly and with an understanding of these requirements.

13.1. Continuous Improvement: The ERC will consistently review and update this guideline to ensure it is in line with the evolving needs of the general public and its constitutional mandate.