

# GUYANA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multi-party democracy. The People's Progressive Party Civic (PPP/C) won a plurality of 48.6 percent of the vote in the 2011 elections, and its party leader, Donald Ramotar, became president. He presides over the first minority government in parliament since independence in 1966. International and local observers considered the elections to be generally free, transparent, and peaceful. Authorities failed at times to maintain effective control over the security forces.

The most serious human rights abuses involved suspects' and detainees' complaints of abuse by security forces, unlawful killings by police, and poor prison and jail conditions.

Other human rights problems included lengthy pretrial detention; excessive government influence over the content of the national television network and continued restrictions on radio licensing; allegations of government corruption, including among police officials; sexual and domestic violence against women; abuse of minors; and laws that discriminate against lesbian, gay, bisexual, and transgender (LGBT) persons.

There were no independent and transparent procedures for handling allegations of abuses by security force members. Prosecutions when pursued were extremely lengthy, and convictions rare, leading to a widespread perception that security force members and government officials enjoyed impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were a few reports the government or its agents committed arbitrary or unlawful killings during the year.

In September police shot and killed Adrian Bishop while attempting to arrest him. The police reported that Bishop attempted to take away a firearm from a police officer during the time of his arrest and was shot accidentally. The media reported, however, that eyewitnesses claimed a police officer allegedly arbitrarily shot

Bishop in the police van. The police opened an investigation, but authorities had not announced results as of October.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices. There were reports, nonetheless, alleging mistreatment of inmates by prison officials as well as allegations of police abuse of suspects and detainees.

The Police Complaints Authority (PCA) received 36 complaints of unnecessary use of violence in 2012, the latest year for which data was available. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation.

In January media outlets reported that in November 2013 a police officer allegedly used a condom-covered baton to sexually assault Colwyn Harding, a male detainee, at a police station. In June authorities charged two police constables, Devin Singh and Roslyn Tilbury-Douglas, from Timehri Police Station with the sexual assault and released them on bail pending trial. As of September the trial had not begun.

In May police officer Franz Paul allegedly arbitrarily shot Alex Griffith, a 15-year-old boy, in the mouth. Paul and other officers from the Mahaicony police station arrested Griffith under suspicion of having committed a robbery against Paul's sister. There were no reports police charged Griffith for that offense. In June a magistrate charged Franz Paul for assault on Griffith and remanded him to prison. Authorities also charged Paul and a second officer, Corporal Bachand Singh, with conspiracy to pervert the course of justice due to their alleged efforts to alter the weapons and ammunition record. As of September the trial had not begun.

### **Prison and Detention Center Conditions**

Prison and jail conditions, particularly in police holding cells, were harsh and life threatening. Overcrowding was a severe problem.

Physical Conditions: The Guyana Prison Service (GPS) reported that as of 2011 (latest data available) there were 1,962 prisoners in five facilities with a combined design capacity of 1,580. A total of 997 prisoners were in Georgetown's Camp Street Prison, designed to hold 775 inmates. Overcrowding was in large part due to a backlog of pretrial detainees, who constituted approximately 39 percent of the total prison population.

Prisoners had access to potable water, and government medical officers visited each prison on a monthly basis. In addition, government authorities reported that medical staff consisting of a medical examiner, registered nurses, and assistant nurses provided daily treatment and monitored the sick as advised by the medical doctors. The GPS offered rehabilitation programs focused on vocational training and education, but such programs did not adequately address the needs of prisoners with substance abuse problems.

In August authorities found inmate Larry Victor dead in his cell in the Camp Street Prison. The media reported that Victor complained of feeling unwell for two weeks prior to his death but that the prison's medical professional was absent during all of Victor's visits to the infirmary.

Authorities held all female prisoners at the New Amsterdam prison. Authorities held some female detainees temporarily at the East La Penitence police station.

Officials held juvenile offenders 16 years of age and older with the adult prison population. Officials held juvenile offenders ages 15 years and younger in the New Opportunity Corps, a juvenile correctional center that offered primary education, vocational training, and basic medical care.

In May four female juveniles who escaped from the New Opportunity Corps accused a senior official at the facility of sexual and physical assault. The management of the New Opportunity Corps and the Ministry of Youth, Culture, and Sports, under which the New Opportunity Corps falls, initially denied the allegations, but a formal investigation into the allegations carried out under the auspices of the Child Care and Protection Agency implicated several staff members of the facility in sexual molestation and physical abuse of juveniles. Based on the report, in June police recommended to the director of public prosecutions that criminal charges be filed. On September 5, the Guyana Police Crime Chief informed the media that the Office of the Director of Public Prosecutions (DPP) had advised against immediately bringing criminal charges due to the insufficiency of the initial evidence contained in the police files sent to the

DPP's office. The crime chief noted, however, that an active police investigation into the allegations continued.

Although precinct jails were to serve only as pretrial holding areas, authorities detained some suspects there as long as two years while they awaited judicial action.

Administration: No information was available about the adequacy of prison recordkeeping or the extent to which authorities used alternatives to sentencing for nonviolent offenders. Authorities diverted some youth offenders into an employment skills training program rather than detention. The Sentence Management Board appointed by the government places the administration of prison sentences in the hands of a committee composed predominantly of public sector members but also of representatives from the private sector and civil society. Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Authorities appointed to all prison facilities chaplains representing the major religious groups in the country. There was no specific prison ombudsman, but prisoners and detainees were able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Prisoners often circumvented procedures for submitting complaints by passing letters addressed to government officials through family members. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: Prison visiting committees prepared monthly reports on the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. There was no indication the government declined to permit outside groups to monitor prison conditions independently, but there were no known requests to make such visits during the year.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The police commissioner heads the Guyana Police Force (GPF), which is responsible for maintaining internal security and reports to the Ministry of Home Affairs. The duties of the Guyana Defense Force include defending the country's

territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The defense force, headed by a chief of staff, falls under the purview of the Defense Board, which the president chairs.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. According to the Caribbean Development Report commissioned by the UN Development Program, public confidence in the police force was very low. There were reports of corruption in the police force. In 2011 (latest data available) authorities charged and brought to court 39 GPF members for various crimes, including robbery, simple larceny, bribery, and indecent assault. While police force abuses may be reported to the PCA, the PCA did not possess an independent investigative unit.

In 2012, the latest year for available data, the PCA received 700 complaints, 106 of which were sent from the commissioner of police. Most cited police neglect of duties, unlawful arrest, and unnecessary use of force. The PCA recommended disciplinary action in 70 of those cases and criminal charges in five others. At the end of 2012, there were 91 cases outstanding.

Lack of an investigative unit hampered the PCA's efforts to conduct impartial and transparent assessments of the complaints it received. As of 2013 the PCA had a staff of six full-time positions and requested an additional position be created to handle statement records. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in receiving reports from the commissioner also thwarted the complaints process. Lower magistrate's courts, where specially trained police officers served as the prosecutors, heard most cases involving charges against police officers.

### **Arrest Procedures and Treatment of Detainees**

An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect a crime or a breach of the peace has been or will be committed. The law requires that a person arrested cannot be held for more than 72 hours unless brought before a court to be charged; authorities generally observed this requirement. Bail was generally available, except in cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, authorities occasionally did not fully respect these

rights. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. The Legal Aid Clinic, a nongovernmental organization (NGO), provides legal counsel at a reduced fee in certain circumstances, as determined by the clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Pretrial Detention: Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted 39 percent of the prison and detainee population in 2012 (latest data available). The typical length of pretrial detention ranged from six to 18 months for those awaiting trial at a magistrate's court or in the High Court.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence.

Delays and inefficiencies undermined judicial due process. Shortages of trained court personnel, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial caused delays.

#### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrate's courts are tried without jury. Cases involving more serious crimes are tried by jury in the High Court. The constitution provides that a person shall be informed as soon as reasonably practicable and in detail of the nature of the offense charged. The constitution also makes provision for persons charged with a criminal offense to be given adequate time and facilities for the preparation of his or her defense. Authorities routinely granted trial postponements to both the defense and the prosecution. Defendants can confront adverse witnesses, present their own witnesses and evidence, and have access to relevant government-held evidence. Defendants have the right to appeal. The law extends these rights to all citizens.

While the law recognizes the right to legal counsel, it was limited to those who could afford to pay, except in cases involving capital crimes. Although there is no public defender system, a defendant in a murder case that reaches the High Court receives a court-appointed attorney. The Georgetown Legal Aid Clinic, with government and private support, provided advice to persons who could not afford a lawyer, particularly victims of domestic violence and violence against women.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision. Individuals can access the court system to initiate lawsuits seeking damages for, or cessation of, some human rights violations. The magistrate's courts deal with both criminal and civil matters. Delays, inefficiencies, and alleged corruption in the magistrate court system affected the ability of citizens to seek timely remedies in civil matters, and there was a large backlog of civil cases.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law generally prohibits such actions, and there were no reports the government failed to respect these prohibitions. The law allows for the interception of communications through a warrant issued by a judge, with exceptions for national emergency, or where approval for a warrant is impracticable due to the urgency of the matter.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights. The government continued to influence print and broadcast media and to exert heavy control over the content of the National Communications Network (NCN, television), giving government spokespersons extended coverage, while limiting participation of opposition figures.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction.

Censorship or Content Restrictions: In April the government-run NCN suspended a newsroom producer for broadcasting a parliamentary presentation by a member of an opposition political party. The government had instructed the NCN to broadcast presentations by the parliamentary opposition late at night when viewership is low.

Libel Laws/National Security: Independent media houses complained that politicians routinely filed libel lawsuits with the intent of ending unfavorable media coverage. According to independent media outlets, these lawsuits were rarely successful in court, but they often had the effect of persuading the outlets to drop coverage of stories due to potential legal liability.

In April Attorney General Anil Nandlall filed a libel lawsuit against Stabroek News demanding 20 million Guyanese dollars (GYD) (\$99,000) in damages and aggravated damages. The lawsuit stemmed from a column by Christopher Ram about the attorney general's legal advice to the president on the methodology for appointing members to the country's Judicial Service Commission. The column stated that the attorney general was "careless about details, cavalier about the constitution and the law, mischievous and obfuscatory, irresponsible, unfamiliar with basic provisions of the constitution of Guyana and guilty of a grave dereliction of duty." The lawsuit alleged that Ram's remarks damaged Nandlall's reputation as a practicing attorney and that Stabroek did not publish an apology within a timeframe specified by the attorney general. The case remained pending as of October.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 33 percent of citizens used the internet in 2013.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.



## **b. Freedom of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The Amerindian Act requires that local village councils grant permission in advance for travel to Amerindian areas, but most individuals traveled in these areas without a permit.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. There were no known requests for assistance during the year.

## **Protection of Refugees**

Access to Asylum: The government has not established a system for providing protection to refugees or asylum seekers and did not grant status to any person through October. In the absence of national legislation and requisite government capacity, the UNHCR assumed the main responsibility for determination of refugee status.

## **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through free and fair elections, which they exercised through national elections based on universal suffrage. Local government elections, which the law provides be held every three

years, have not been held since 1994. Elections also take place within Amerindian communities, where members elect Amerindian leaders every 33 to 36 months.

### **Elections and Political Participation**

Recent Elections: In 2011 the People's Progressive Party /Civic (PPP/C) won a plurality, and its party leader, Donald Ramotar, became president. He replaced Bharrat Jagdeo, also of the PPP/C party. The PPP/C gained 48.6 percent of the vote, leaving the combined opposition with a one-seat majority in the National Assembly. President Ramotar presides over the first minority government in parliament since independence in 1966. International observers, including teams from the Organization of American States, the Caribbean Community, the Commonwealth, and the Union of South American Nations, concluded that the elections were substantially free, transparent, peaceful, and well administered. International observers recommended the holding of local government elections as soon as possible. Observers noted that Guyana Elections Commission members are political appointees, a fact that "compromises the effectiveness and integrity of the commission, which needs to be independent and above politics at all levels."

Participation of Women and Minorities: The constitution requires one-third of each party list of electoral candidates be women but does not require the parties to choose women for seats. Parties selected 21 female representatives for the 65-seat National Assembly, and President Ramotar named five women to his 21-member cabinet.

While supporters of the two major parties (the PPP/C and the Partnership for National Union) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities, respectively, political party leadership was more diverse. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. Seven cabinet members were Afro-Guyanese, including the prime minister and the head of the presidential secretariat. The ethnically diverse National Assembly included seven indigenous members. There were also two Amerindian cabinet ministers.

### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides for criminal penalties for corruption by officials, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were reports of government

corruption during the year. There remained a widespread public perception of corruption involving officials at all levels, including the police and the judiciary.

Corruption: The constitution mandates roles for the Office of the Auditor General, the Public Procurement Commission (PPC), and the Integrity Commission in the area of governmental transparency and accountability. The PPC and the Integrity Commission have not been established. The Office of the Auditor General scrutinizes the expenditure of public funds on behalf of parliament and conducts financial audits of all publicly funded entities, including donor-funded entities, local government agencies, and trade unions, and reports to the National Assembly. The office's effectiveness remained limited, since the government may or may not act on the discrepancies noted in its reports. Observers noted that recurring discrepancies repeatedly were highlighted in the reports without officials taking appropriate follow-up actions to investigate and resolve the discrepancies.

The constitution calls for the establishment of a PPC to monitor public procurement and ensure that authorities conduct the procurement of goods and services in a fair, transparent, competitive, and cost-effective manner. There was significant public criticism of the present system's ineffectiveness in awarding government contracts in an equitable and transparent manner. In June the government indicated that it would not establish the PPC.

Financial Disclosure: Although the law requires public officials to declare their assets to an Integrity Commission, the commission was never constituted. In 2012 the prime minister stated that members would soon be appointed to this commission, but as of October no members were appointed and the commission remains inoperative. In August the Integrity Commission, although lacking a chairman and commissioners, published a notice requiring all public officials to declare their assets. Compliance was uneven, since some public officials claimed that the call to declare assets by a defunct commission could not be taken seriously.

The law sets out both criminal and administrative sanctions for nondisclosure. If a person fails to file a declaration, the fact can be published in the daily newspapers and the official *Gazette*. Failure to comply with the law can lead to a summary conviction, fines, and imprisonment for six to 12 months. If property was not disclosed as it should have been, the magistrate convicting the defendant must order the defendant to make a full disclosure within a set time. No such publication or convictions occurred during the year.

Public Access to Information: The law provides for persons to secure access to information under the control of public authorities and for the appointment of a commissioner of information. In May 2013 the government appointed a commissioner, but the government has yet to issue implementing regulations.

In June the commissioner of information denied an NGO's request for information on a contract between the government and a Canadian firm on the grounds that the national budget funded his office insufficiently. This was the only known request to the commissioner since its establishment in 2013.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These groups at times complained that government officials were uncooperative and unresponsive to their views and, when they did respond, it was generally to criticize rather than investigate allegations.

Government Human Rights Bodies: The law provides for an ombudsperson to investigate official government actions or actions taken by government officials in exercise of their official duties. A new ombudsman took up duties in January after an eight-year vacancy of that office.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, language, social status, religion, or national origin.

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, but many incidents were not reported to law-enforcement officers. Authorities seldom successfully prosecuted cases that were reported. Based on media reports and commentary, a high incidence of rape and sexual assault was not reflected in official statistics. Many survivors did not report rapes, presumably because of fear of stigma, retribution, or further violence.

During 2012, the latest year for available data, authorities charged 102 persons with rape, but only 28 were convicted, due in part to the large court backlog. A

judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The norm appeared to be a sentence of five to 10 years' imprisonment.

Domestic violence and violence against women, including spousal abuse, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Court records showed that 279 domestic violence cases were filed during 2012, and 143 persons were convicted. Penalties for violation of protection orders include fines up to 10,000 GYD (\$49.50) and 12 months' imprisonment. Survivors frequently were unwilling to press charges due to a lack of confidence in obtaining a remedy through the courts. Some such persons preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes and other reports of magistrates applying inadequate sentences after conviction. In addition, cases heard involving violation of a protective order tended to be categorized as assault cases.

According to an NGO, police units were required to have domestic violence units where victims could be counseled in private. The NGO observed that in most cases domestic violence reports were not taken confidentially but rather were discussed in the open at police stations and were not treated as a matter of urgency. The NGO handled cases of abuse and violence, including child, spousal, and other domestic abuse.

The government and private donors funded an NGO to run a free shelter for victims of domestic violence and operate a hotline to counsel victims. The NGO also conducted awareness sessions to sensitize individuals about domestic violence, and counseled persons affected by domestic abuse or violence during face-to-face counseling sessions and via the hotline.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: The law prohibits sexual harassment and provides for monetary penalties and award of damages to victims, but its application is confined to the workplace. For instance, the law does not cover harassment in schools. Any act of sexual harassment involving physical assault can also be prosecuted under relevant criminal statutes. While reports of sexual harassment were common, no cases were filed. Charges of sexual harassment often were settled out of court.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to obtain the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Access to contraception and skilled health attendance during pregnancy, at delivery, and in postpartum care was widely available. Women had access to emergency health care, including services for the management of complications arising from abortion. The UN Population Fund reported a modern contraceptive prevalence rate of 40 percent and a maternal mortality ratio of 250 deaths per 100,000 live births. Skilled health personnel attended 87 percent of births. Media reports highlighted cases where severe bleeding after childbirth and hypertensive disorders contributed to the high maternal mortality ratio. The media also highlighted cases where nurses ignored family members' complaints about lack of prompt attention, leading in some cases to sickness or death.

Discrimination: Although women enjoy the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. The law prohibits discrimination based on gender, but there was no meaningful enforcement against such discrimination in the workplace. As of 2012 only 48 percent of women were in the workforce, compared to 85 percent of men. Job vacancy notices routinely specified that the employer sought only male or only female applicants.

The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The bureau also held seminars on leadership and gender equity problems for women throughout the country. The constitution provides for a Women and Gender Equality Commission to draw attention to problems that affect the development of women. The commission engaged in a countrywide dialogue and met with regional representatives, stakeholders, government officials, and residents to listen to the concerns of women to plan more effectively and implement policy at the national level. The law protects women's property rights in common-law marriages. It entitles a woman who separates or divorces to one-half of the couple's property if she had regular employment during the marriage and one-third of the property if she had not been employed. Women's property rights were generally observed.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad. The law requires births be registered within 14 days but also provides for registration of births after the 14-day period.

Child Abuse: There were frequent reports of physical and sexual abuse of children, which was a widespread and serious problem. During 2012, the latest year for available data, one NGO handled 26 reports of child abuse. Law-enforcement officials and NGOs believed the vast majority of child rape and criminal child abuse cases were not reported. In 2012 authorities charged 89 persons with statutory rape, and four were convicted (including persons charged in preceding years). As with cases of domestic abuse, NGOs reported that some police officers and magistrates could be bribed to make cases of child abuse "go away." The Child Care and Protection Agency operated a hotline to take calls regarding suspected abuse of children. In 2012, the latest year for which data was available, the agency received more than 4,100 child abuse reports, involving neglect, sexual abuse, physical abuse, verbal abuse, child custody, teenage pregnancy, and delinquency.

Early and Forced Marriage: The legal age for marriage is 18, but boys and girls may marry at 16 with parental consent or judicial authority. December 2013 data from the UN Children's Fund reported that 23 percent of marriages took place when the bride was under the age of 18.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The age of sexual consent is 16. By law anyone who has sexual relations with a girl under 16 can be found guilty of a felony and imprisoned for life. There were reports of child prostitution, although there were no indications the country was a destination for child sex tourism. There is no specific legal prohibition of child pornography. The law regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprave or corrupt those open to immoral influences.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see the Department of State's report at [travel.state.gov/content/childabduction/english/country/Guyana.html](http://travel.state.gov/content/childabduction/english/country/Guyana.html).

## **Anti-Semitism**

The Jewish community was very small, perhaps fewer than 50 members. There were no reports of anti-Semitism.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution mandates the state to “take legislative and other measures” designed to protect disadvantaged persons and persons with disabilities. The law provides for equal protection and for a National Commission on Disabilities (NCD) to advise the government, coordinate actions on problems affecting persons with disabilities, and implement and monitor the law. The NCD focused its attention on sensitizing the public about the law and on compliance, as well as performing sensitization workshops with the Ministries of Labor, Human Services and Social Security, Education, and Health.

There were specialized schools for the blind and special schools for persons with disabilities in regions four and six, the most populous regions of the country. Non-specialized schools lacked the curriculum and infrastructure necessary to accommodate children with disabilities. Lack of appropriate transportation and infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The NCD received very few complaints from persons who experienced discrimination.

### **Indigenous People**

Various laws protect the rights of the Amerindian community, and members have some ability to participate in decisions affecting them, their land, and resources. Rules enacted by village councils require approval from the minister of Amerindian affairs before entering into force. By law persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit.

According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine recognized tribal groups, and 90 percent of indigenous communities were in the remote interior. Indigenous communities’



standard of living was lower than that of most citizens, and they had limited access to education and health care. Little reliable data existed regarding the situation of women and girls in indigenous communities, although indigenous women tended to face three-fold discrimination and vulnerability on the basis of gender, ethnicity, and reduced economic status. All indigenous communities had primary schools, and as of 2012 there were 13 secondary schools in remote regions. The secondary schools had dormitories that housed students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

Since passage of the Amerindian Act of 2006, the government increased the number of communal land titles for indigenous communities from 74 to 97, more than doubling the area of communal land titles from 6.5 percent of the national territory to 14 percent. In 2010 a total of 134 communities had collective land titles. To earn money some villages contracted with loggers, saw millers, and miners to exploit timber and other natural resources on their land.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex activity between adult men is illegal under the law and is punishable by up to two years in prison. Anal intercourse is punishable with a maximum sentence of life in prison, regardless of whether the intercourse is between persons of the same sex. Activists reported that it was more common for police to use the law to intimidate men who were gay or perceived to be gay than to make arrests. There are no laws concerning same-sex sexual activity between women. The law also criminalizes cross-dressing. A High Court ruling in 2013 interpreted the law as making cross-dressing illegal only for men when done for an “improper” purpose, without defining which purposes qualify as improper.

No antidiscrimination legislation exists to protect persons from discrimination based on real or perceived sexual orientation or gender identity.

NGOs reported widespread discrimination of persons based on their real or perceived sexual orientation or gender identity. Reports note discrimination in employment, access to education and medical care, and in other public settings (see section 7.d.). A 2012 report noted that LGBT persons were fearful of reporting crimes committed against them because they believed or were told charges would also be brought against them because of their sexual orientation or gender identity.

In May the media reported that LGBT persons were shunned and ridiculed on account of their sexual orientation when attempting to access medical care at some public hospitals around the country. According to the same media report, police allegedly ordered a member of the LGBT community to undress himself and made him stand on a counter in a police station for hours when he tried to lodge a formal complaint against another citizen.

In April a person in a passing vehicle indiscriminately shot at a small group of transgender persons standing on the road. The police initially refused to document their report of the incident. After public protests, the assailant was charged in July, and as of October the prosecution continued.

### **HIV and AIDS Social Stigma**

In the most recent demographic and health survey for Guyana (2009), 45 percent of women and 38 percent of men reported discriminatory attitudes towards those living with HIV. The government reported in March that stigma and discrimination towards persons living with HIV/AIDS were prevalent in the workplace and health-care facilities.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of association and allows workers to form and join trade unions, bargain collectively, and conduct legal strikes. The law bars military and paramilitary members from forming a union or associating with any established union. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers fired for union activity. The labor laws cover all categories of employees, including foreign migrant workers.

The Ministry of Labor is required to certify all collective bargaining agreements, and there were no reports it refused to certify any agreements. Individual unions directly negotiate collective bargaining status.

The government may declare strikes illegal if the union leadership does not approve them, or if the union did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide a one-month notice to the Ministry of Labor and leave a skeleton

staff in place. The International Labor Organization noted that not all sectors deemed essential by the government were considered essential under international definitions, including the services provided by the Transport and Harbors Department and the National Drainage and Irrigation Board. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

The government occasionally enforced applicable laws, but did not do so effectively. Penalties for violation of labor laws were small monetary penalties, ranging from 6,000 GYD (\$29.70) to 46,000 GYD (\$227.70). Such penalties were insufficient to deter violations and frequently were not imposed. Administrative and judicial proceedings regarding violations often were subject to lengthy delays and appeals.

Some public sector employee unions continued to allege antiunion discrimination by the government, asserting that the government violated worker rights and did not effectively enforce its laws. The unions were concerned that employers used hiring practices such as contract labor and temporary workers to avoid hiring workers with bargaining rights.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, but the government in general did not effectively enforce the law. Resources to inspect and monitor labor conditions were inadequate. Penalties for forced labor under trafficking in persons laws included forfeiture of property gained as a result of the forced labor, restitution to the victim, and imprisonment for three to five years. Such penalties were sufficient to deter violations, but the government rarely enforced the laws. Administrative labor law penalties were small monetary fines, insufficient to deter violations, and rarely enforced.

Country experts reported that forced and compulsory labor occurred in the mining, agriculture, and forestry sectors, in addition to domestic servitude. Children were particularly vulnerable to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children younger than 15 years, with some exceptions. Technical schools may employ children as young as 14 provided a competent authority approves and supervises such work. No person under 18 may be employed in industrial work at night. Exceptions are for those ages 16 and 17 whose work requires continuity through day and night, including certain gold-mining processes and the production of iron, steel, glass, paper, and raw sugar. The law permits children under 15 to be employed only in enterprises in which members of the same family are also employed. The law prohibits children under 15 from working in factories and stipulates that those under 18 may be removed from factory work if authorities determine they are engaged in activities hazardous to their health or safety.

The government did not enforce existing laws effectively. The Ministry of Labor collaborated with the Ministry of Education, the Geology and Mines Commission, the Guyana Forestry Commission, the National Insurance Scheme, and the GPF to enforce child labor laws. The court can issue a fine of 10,000 GYD (\$49.50) for the first violation of laws regarding child labor and 15,000 GYD (\$74.25) for subsequent offenses. As of 2013, the latest year for available data, authorities had not assessed fines or penalties, nor did they charge any employers with violations related to child labor.

Child labor occurred during the year and was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. NGOs reported incidences of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities including domestic servitude. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals, including mercury.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination based on race, sex, gender, disability, language, HIV positive status or other communicable diseases, social status, and nationality. The government did not effectively enforce the law. The law does not prohibit discrimination based on sexual orientation or gender identity. Discrimination in

employment and occupation occurred with respect to women and to persons based on their sexual orientation or gender identity (see section 6).

#### **e. Acceptable Conditions of Work**

Wages for regular working hours of all full-time, private sector employee are set nationally for hourly, daily, weekly, and monthly workers at no less than 202 GYD (\$1) per hour; 1,616 GYD (\$8) per day, 8,080 GYD (\$40) per week, or 35,000 GYD (\$173.25) per month. A normal workweek is 40 hours distributed over no more than five days per week. The law prohibits compulsory overtime, and overtime work must be paid according to rates set in the law or according to any collective bargaining agreement in force where workers are unionized. The law provides for paid annual holidays and establishes workplace safety and health standards. These standards are current and appropriate for the country's main industries.

The law provides that some categories of workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities effectively protected employees in these situations.

The Ministry of Labor is charged with enforcement of labor law and had 10 inspectors as of 2012, the latest year for available data. Labor inspections carried out during the year included occupational safety and health problems. Ministry follow-up of labor inspection findings varied, and compliance among employers was also inconsistent. Penalties for violations ranged from 15,000 GYD (\$74.25) to 46,600 (\$230.67) and generally were not sufficient to deter violations.

According to local trade unions and NGOs, enforcement of minimum wage legislation was not effective. Although specific data were unavailable, a significant number of workers were employed in the informal economy. Unorganized workers, particularly women in the informal sector, often were paid less than the minimum wage. Local trade unions and NGOs also reported the Ministry of Labor did not adequately enforce occupational safety and health legislation and that resources were insufficient. In 2013, the latest year for available data, the ministry reported 486 workplace accidents, of which 10 were fatal, including five in manufacturing and three in the bauxite sector.