

# GUYANA

## EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. On November 28, voters elected Donald Ramotar of the People's Progressive Party Civic (PPP/C) to be president, replacing Bharrat Jagdeo of the same party. However, the PPP/C won only 48.6 percent of the vote, and President Ramotar 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. Security forces reported to civilian authorities.

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

Other human rights problems included lengthy pretrial detention; allegations of government corruption, including among police officials; sexual and domestic violence against women; and abuse of minors.

There were no independent and transparent procedures for handling allegations of killings and other abuses by security force members. Prosecutions when pursued were extremely lengthy, and convictions were rare. As a result there was a widespread perception that security force members enjoyed impunity.

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

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

The government or its agents did not commit any politically motivated killings, and the Police Complaints Authority (PCA) received no complaints of unlawful killings. The Guyana Human Rights Association recorded five fatal police shootings.

On May 2, a police officer shot and killed Angold Cox at his home. According to the police, officers responded to a report that Cox threatened to kill a tenant at his home, and when approached he attacked the officers who claimed they had to resort to the use of force. However, relatives and neighbors accused police of using excessive force, saying that Cox barricaded himself to avoid arrest and only jabbed a piece of wood at a policeman outside his door. A witness claimed that

she saw a policeman point a gun through a broken door, fire it, and then tell the others that he “got him.”

Trials in the High Court remained pending for the police officer charged with the June 2010 murder of 16-year-old student Kelvin Fraser and for three Coast Guard personnel charged with the 2009 killing of businessman Dweive Kant.

### **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. Nonetheless, there were reports alleging mistreatment of inmates by prison officials as well as allegations of police abuse of suspects and detainees.

During the year the PCA received 11 complaints of unnecessary use of violence. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation. On September 9, policemen allegedly pointed a gun at, beat, and then arrested taxi driver Claude Bristol for driving away from the police following a traffic stop.

A woman accused the police commissioner of raping her in November (see section 6). Also in November authorities placed two men stationed at the Cove and John Police Station under arrest while they investigated a report that the men were sexually involved with two female prisoners (one a juvenile) in custody at the station. The case remained pending at year’s end.

Although authorities charged Detective Corporal Ricardo Inniss on February 1 with the December 2010 rape of a 21-year-old woman in custody at the Turkeyen Police Station, the case was subsequently dismissed.

On January 14, after the witnesses failed to appear, the court dismissed the high-profile case against three police officers for maliciously wounding three suspects during a murder investigation in 2009. On June 17, a court awarded one of those suspects, 14-year-old Twyon Thomas, 6.5 million Guyanese dollars (\$32,178) in damages as a result of a civil action filed in February 2010. On July 28, the

attorney general appealed the award, and the matter remained pending at year's end.

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

Prison and jail conditions were poor and deteriorating, particularly in police holding cells. Capacity and resource constraints were a problem. The Guyana Prison Service (GPS) reported that as of October 31, there were 1,962 prisoners in five facilities, which had a combined design capacity of 1,580. A total of 997 prisoners were in Georgetown's Camp Street Prison, which was 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 have access to potable water, and government medical officers visit each prison on a monthly basis. In addition a medical staff consisting of a medical examiner, registered nurses, and assistant nurses provide daily treatment and monitor the sick as advised by the medical doctors.

There were 88 female prisoners, all at the New Amsterdam prison. Authorities held some female detainees temporarily at the East La Penitence Police Station. The GPS offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance abuse problems.

Unlike in past years, when all newly hired prison guards received limited human rights training from the Guyana Human Rights Association, the association was not invited to perform training during the year.

Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial action on their cases.

There was one death in prison, which occurred when three prisoners attacked a fourth, who died as a result of a fractured skull. Authorities charged the three with murder. Following an inmate-upon-inmate killing in 2010, the GPS announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them, and authorities held 35 inmates isolated from the general prison population at the Georgetown facility.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison chaplains representing the major faiths in the country were appointed to all prison facilities. Prisoners and detainees are able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prisoners often circumvented procedures for submitting complaints by passing letters addressed to government officials to family members.

The government investigated and monitored prison and detention center conditions. Prison visiting committees prepared monthly reports on the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. Based upon such reports, the GPS identified areas for improvement, especially with regard to health care, such as the need for a permanent doctor and increased staffing and training.

Juvenile offenders 16 years of age and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the New Opportunity Corps (NOC), a juvenile correctional center that offered primary education, vocational training, and basic medical care. Problems at the NOC included lax security and understaffing. There were complaints that juvenile runaways, or those out of their guardians' care, were placed with juveniles who had committed crimes, leading some petty offenders to become involved in more serious criminal activity.

There was no indication that 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. However, during the year the PCA received a number of complaints of unlawful arrest.

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

The Guyana Police Force (GPF), which is headed by the commissioner of police and overseen by the Ministry of Home Affairs, is responsible for maintaining internal security. The duties of the Guyana Defense Force (GDF) include defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF, 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. Public confidence in, and cooperation with, the police remained low. There were reports of corruption in the police force. Police force abuses may be reported to the PCA; however, the PCA did not possess an independent investigation unit.

Authorities charged and brought to court 39 GPF members for various crimes including robbery, simple larceny, bribery, and indecent assault.

During the year the PCA received 245 written complaints and 339 oral complaints, 79 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 30 cases; there were no recommendations for criminal charges. At year's end 102 reports remained outstanding.

PCA efforts to conduct impartial and transparent assessment of the accusations it received were obstructed by staff shortages (six of seven full-time positions were filled), as well as the lack of an investigative unit. 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. Most cases involving charges against police officers were heard by lower magistrate's courts, where specially trained police officers served as the prosecutors.

### **Arrest Procedures and Treatment While in Detention**

An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 72 hours be brought before a court to be charged; authorities generally observed this requirement in practice. 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, in practice these rights sometimes were not fully respected. The state provides legal counsel for indigent persons only when such

persons are charged with a capital offense. However, the Legal Aid Clinic 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.

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. The average 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 this provision in practice.

Delays and inefficiencies undermined judicial due process.

In October the High Court scheduled 206 cases for the Demerara criminal assizes, but only six matters were tried, and the prosecution decided to drop five cases. Delays were caused by shortages of trained court personnel and magistrates, 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. In at least one of the cases heard during the session, the accused had been incarcerated since 2007. There were 226 cases listed to be heard when the next Demerara assizes open in January 2012.

#### **Trial Procedures**

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. Defendants can confront witnesses against them and have access to relevant government-held evidence. Defendants have the right to appeal. Trial postponements were granted routinely to both the defense and the prosecution. The law extends these rights to all citizens.

The law recognizes the right to legal counsel; however, 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 in practice. 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 prohibits such actions, and the government generally respected these prohibitions in practice.

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

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

##### **Status of Freedom of Speech and Press**

The law provides for freedom of speech including for members of the press, and the government generally respected this right in practice; however, the government's monopoly on radio broadcasting continued throughout most of the year. Observers believed the government attempted to censor or restrict content and sought indirectly to censor the print media by controlling advertising.

Freedom of Speech: All radio stations operating on the electromagnetic spectrum are government controlled. In 2009 the Court of Appeal ruled that the government had an unlawful monopoly on the airwaves and that the National Frequency Management Unit was not adequately considering radio license applications. The government's monopoly on radio broadcasting continued, limiting the expression

of opposition views, even though the National Assembly passed and then president Jagdeo assented to a new broadcasting bill on September 27.

The new broadcasting law creates a Guyana National Broadcasting Authority and a governing board; the president appoints the chairman and all members of the board, restricting the independence of the authority. The law states that programs that address controversial public policy or matters of political or industrial contention “must meet standards of fairness, balance, and accuracy, maintaining a proper balance and respect for truth and integrity and always ensuring that opposing views are not misrepresented.” The then President Jagdeo, who also held the portfolio of minister of information, asserted that the bill’s passage would allow him to review the 55 radio applications pending. Although the president said he was committed to granting new radio licenses, he said it would not be done before the November elections. At year’s end media reports suggested that licenses had been approved for some longstanding applicants, although the process was not transparent, and there were further steps needed before new stations may begin broadcasting.

Censorship or Content Restrictions: After a Channel 6 telecast on May 4 in which former television owner Anthony Vieira gave commentary said to be offensive, the Advisory Committee on Broadcasting recommended a suspension of the station. On September 30, the then President Jagdeo instituted a four-month suspension of Channel 6, but following a public outcry, on October 10 he temporarily lifted the suspension until after the elections.

On August 26, the chairman of the Elections Commission announced the reopening of the Media Monitoring Unit that ceased operations in July 2010, following the government’s request that the UN Development Program cease its support for the unit. That unit appeared to be effective in monitoring and reporting on media content in the period prior to the elections, highlighting signs of inequitable reporting in a number of publications and broadcasts.

Libel Laws/National Security: Government officials used libel laws to suppress criticism. The hearing into the 10 million Guyanese dollars (\$50,000) libel suit filed by former president Jagdeo in July 2010 against the *Kaieteur News* publishers, its editor in chief, and one of its columnists commenced on August 19 and remained pending at year’s end.

## **Internet Freedom**



There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

### **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 freedoms of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

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

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The Amerindian Act requires that the local village councils grant permission for travel to Amerindian areas. In practice most persons traveled throughout 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.

### **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 during the year, although one person submitted a letter of inquiry about applying for asylum. In the absence of national legislation and requisite government

capacity, the UNHCR assumed the main responsibility for determination of refugee status.

Nonrefoulement: According to the UN's Universal Periodic Review, in some cases the nonrefoulement principle was not fully respected.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair national elections based on universal suffrage. However, local government elections, which the law provides should be held every three years, have not been carried out since 1994. Elections are also held within Amerindian communities where members elect Amerindian leaders known as Toshaos.

#### **Elections and Political Participation**

Recent Elections: On November 28, voters elected PPP/C candidate Donald Ramotar to a five-year term as president, replacing outgoing PPP/C president Jagdeo. However, the PPP/C gained only 48.6 percent of the vote, and President Ramotar therefore presides over the first minority government in parliament since independence in 1966. International observers, including teams from the Organization of American States, Caribbean Community, Commonwealth, and Union of South American Nations, generally concluded that the elections were substantially free, transparent, and peaceful and that they were well administered. Electoral observer criticisms centered on the need for greater timeliness in transmission of preliminary and final results and for increased women's participation in the electoral process. Observers also noted that Guyana Elections Commission (GECOM) members are political appointees, saying this "compromises the effectiveness and integrity of the commission, which needs to be independent and above politics at all levels."

Although all five parties competing in the elections signed a code of conduct prepared by the GECOM, hours after the ceremony the opposition coalition, A Partnership for National Unity (APNU), accused the ruling PPP/C of violating the code by distributing leases for land to residents of the Essequibo Coast. During the campaign GECOM's Media Monitoring Unit highlighted three problem areas in media portrayal of political parties, including inequitable reporting by certain outlets, publication of two racially divisive articles, and use of unscientific polling

data. Nonetheless, the unit concluded that there were few major infringements of a separate media code of conduct.

Participation of Women and Minorities: The constitution requires that one-third of each party list of candidates be women but does not require the parties to select 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 APNU) 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. Official Corruption and Government Transparency**

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively. There were reports alleging government corruption and complacency in enforcing these laws with respect to officials engaged in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the government, including law enforcement and the judicial system. Low wages among police and other public servants contributed to the incidence of bribery.

In August a senior GPF member alleged that many officers had connections to drug dealers, and authorities began an investigation. In October the GPF crime chief submitted a report to the minister of home affairs, who considered it but took no action by year's end.

Public officials are subject to financial disclosure laws and are required to submit information about personal assets to the Integrity Commission, but compliance was uneven, and the commission had no resources for enforcement or investigations.

On September 27, the president assented to the Access to Information Act, intended to promote transparency and accountability in the working of the government and public authorities. The new law provides for the first time that

persons may secure access to information under the control of public authorities and for the appointment of a commissioner of information. By year's end, however, implementing regulations had not been issued nor had a commissioner been appointed.

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

The few organized domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These groups at times, however, complained that government officials were uncooperative and unresponsive to their views; when they did respond, it was generally to criticize.

Government Human Rights Bodies: The constitution allows for a governmental human rights commission, but it has not been established. While the constitution provides for the appointment of an ombudsman who may investigate any action taken by any government department or authority in relation to the administrative functions of that department or authority, the position has been vacant since 2005.

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

While the constitution prohibits discrimination based on race, gender, disability, language, social status, religion, or national origin, the government did not always effectively enforce these prohibitions.

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, but neither type of rape was frequently reported nor successfully prosecuted. Rape was a serious problem and pervasive in society. Many survivors did not report rapes because of fear of stigma, retribution, or further violence. Police and prosecutors were not effective in investigation or prosecuting rape cases. During the year authorities charged 97 persons with rape, but only one was convicted, due in part to the large court backlog. Additionally, authorities charged 31 persons with statutory rape, and four were convicted (including persons charged in preceding years). 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.

In a case that drew public attention, a woman alleged that the GPF commissioner raped her in November. A women's group held a press conference to draw attention to the charges; the commissioner declined to comment and took leave in December to allow for an investigation into the matter. The government requested investigative assistance from Jamaican authorities; an interim report was completed and sent to the DPP, with further action pending at year's end.

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. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars (\$50) and 12 months' imprisonment; however, this legislation frequently was not enforced because of a lack of willingness to press charges on behalf of the victims and/or a lack of confidence in obtaining a remedy through the courts. Some victims 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 a nongovernmental organization (NGO), the GPF reorganized police units in order to require inclusion of domestic violence units where victims can be counseled in private. The group observed that in most cases domestic violence reports were not taken confidentially but rather in the open at the front desk at police stations and were not treated as a matter of urgency. The organization handled 252 cases of abuse and violence, including child, spousal, and other domestic abuse, of which 12 were formally filed in a court.

The Help and Shelter NGO ran a free shelter for victims of domestic violence and operated a hotline to counsel victims with the funds it received from both private donors and the government. During the year Help and Shelter conducted 52 awareness sessions to sensitize individuals about domestic violence, reaching 1,304 persons, and counseled 479 persons affected by domestic abuse or violence during face-to-face counseling sessions and via a hotline.

Another NGO, Red Thread, promoted the empowerment of women through organized protests that led to passage of several laws protecting women and children, including laws on domestic violence, sexual offenses, and the protection of children. During the election campaign, one of its founders called on all parties to make domestic violence a campaign issue. Red Thread also promoted provision

of services such as literacy projects, flood relief, transportation provision, and training in personal finance for mothers.

Sexual Harassment: The Prevention of Discrimination Act 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. Reports of sexual harassment were common, and there were six cases filed under the Prevention of Discrimination Act. Charges of sexual harassment were often settled out of court.

Reproductive Rights: Couples and individuals had the right to decide freely the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. Access to contraception and skilled attendance at delivery and in postpartum care were widely available. UNICEF reported that 83 percent of births had a skilled attendant. The UN Population Fund reported a contraceptive prevalence rate of 43 percent and estimated the maternal mortality ratio in 2008 at 270 deaths per 100,000 live births. Media reports highlighted cases where severe bleeding after childbirth and hypertensive disorders resulted in maternal deaths, leading to the high maternal mortality ratio. The media also highlighted cases where family members' complaints about lack of prompt attention were ignored by nurses, leading in some cases to sickness or death. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

Discrimination: Although women enjoyed 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 legal protection against such discrimination in the workplace. Only 48 percent of women were in the workforce, compared to 85 percent of men. There were also credible reports that women were treated and paid unequally and faced disadvantages in promotion. 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 issues for women throughout the country. The constitution provides for a Women and Gender Equality Commission, which met and compiled its first periodic review and submitted it to parliament in August. 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. In practice 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.

Child Abuse: There were frequent reports of physical and sexual abuse of children, which was a widespread and serious problem. During the year Help and Shelter handled 17 cases of child abuse; only two child abuse cases were filed with the courts. Law enforcement officials and NGOs believed that the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs noted reports 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. The agency received more than 3,000 child abuse reports, involving a significant number of sexual abuse cases.

Sexual Exploitation of Children: The age of sexual consent is 16. Under the 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 that the country was a destination for child sex tourism. There is no specific legal prohibition of child pornography. However, the law regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprive 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.

## **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](http://www.state.gov/j/tip).

### **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 to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The commission focused its attention on sensitizing the public about the law and on compliance. The commission conducted workshops, meetings, and panel discussions and provided advocacy for persons living with disabilities. Lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

### **Indigenous People**

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 located 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 there were 13 secondary schools with an enrollment of 5,547 in remote regions. The secondary schools had dormitories that housed approximately 1,000 to 1,700 students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

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. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

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 from 6.5 percent of the national territory so designated to 14 percent. In 2010 134 communities had collective land titles. To earn cash some villages contracted with loggers, saw millers, and miners to exploit timber and other natural resources on their land.

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

Sodomy is punishable with a maximum sentence of life in prison. A local NGO reported that there were a few prosecutions, but neither the NGO nor the courts could provide numbers. It was reportedly more common for the police to use the law to intimidate suspected same-sex male partners. There are no laws concerning same-sex sexual activity between women. The health minister in a speech to a regional HIV/AIDS conference said that he “must be driven by public health reality,” that “sex between consenting adults in private falls into the category of personal freedom,” and that the law is “in contradiction of this expression of personal freedom.”

Following the 2009 incident in which a judge fined several transgender persons 7,500 Guyanese dollars (\$37), an NGO and four of the individuals filed a motion in the High Court against the law criminalizing cross-dressing; the case remained pending at year’s end.

### **Other Societal Violence or Discrimination**

Violence and discrimination against persons with HIV/AIDS were not widely reported.

## **Section 7. Worker Rights**

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

The constitution provides for the right of association and allows workers to form and join trade unions. The constitution bars military and paramilitary members from forming a union or associating with any established union.

The law provides workers with the right to strike. The government may declare strikes to be illegal if not approved by the union leadership or if they 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, although the International Labor Organization noted that not all of the services deemed essential by the government were considered essential under international definitions. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

Public and private sector employees possessed the right to organize and bargain collectively. The Ministry of Labor is required to certify all collective bargaining agreements, and there were no reports that it refused to certify any agreements. Individual unions directly negotiate collective bargaining status.

The law prohibits antiunion discrimination by employers. Labor law covers all categories of employees.

Workers generally exercised the right to form and join unions in practice, and workers exercised their right to bargain collectively and strike. However, 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 labor rights were being undermined as permanent, regular jobs were replaced by contract labor and temporary, “unstable” work.

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

Although the law prohibits all forms of forced or compulsory labor, in 2010 there was at least one case of forced labor reported, involving a maid imprisoned by a businessman. Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The law prohibits the employment of children younger than 15 with some exceptions. Technical schools may employ children as young as age 14 provided a competent authority approves and supervises such work. No person under 18 may be employed in industrial work at night, with exceptions for those aged 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 that are hazardous to their health or safety.

The Ministry of Labor collaborated with the Ministry of Education, Geology and Mines Commission, Guyana Forestry Commission, National Insurance Scheme, and GPF to enforce child labor laws. The Ministry of Labor employed 17 labor inspectors who were charged with investigating child and exploitive labor activities; however, these were not sufficient to enforce existing laws effectively. Despite conducting approximately 4,000 worksite inspections, authorities assessed no fines or penalties nor did they charge any employers with violations.

Child labor 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. Although the labor ministry reported no child labor violations during the year, NGOs reported isolated incidents of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals. Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage is 35,863 Guyanese dollars (\$178) per month. Public sector employees also receive unilateral wage increases.

The law sets hours of employment, which vary by industry and sector. In general, work in excess of a 44-hour workweek requires an overtime payment rate. The law prohibits compulsory overtime and provides for paid annual holidays.

The law establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. The Ministry of Labor is also responsible for enforcing legislation regarding the minimum wage and working hours.

According to local trade unions and NGOs, enforcement of minimum wage legislation was not effective, and unorganized workers, particularly women in the

informal sector, often were paid less than the minimum wage. The ministry reported that standards regarding working hours were effectively enforced.

Local trade unions and NGOs also reported that the Ministry of Labor did not adequately enforce occupational safety and health legislation and that resources were insufficient. The ministry estimated that 4,000 labor inspections were carried out during the year, which included occupational safety and health. Ministry follow-up of labor of inspection findings varied, and compliance among employers was also inconsistent. In some cases workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

No information was available regarding fatal industrial accidents during the year. In 2010 there were 24 fatal industrial accidents, largely in the mining and forestry sectors; more than half of those who died were 15 to 35 years of age.