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## Guyana

### Country Reports on Human Rights Practices - [2005](#)

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The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 750 thousand. The president appoints a prime minister and a cabinet. In 2001 citizens voted in generally free and fair national elections to reelect the People's Progressive Party Civic (PPP/C) and President Bharat Jagdeo. The civilian authorities generally maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, there were problems in some areas:

- unlawful killings by police
- police abuse of suspects
- poor prison and jail conditions
- lengthy pretrial detention
- severe inefficiencies in the judicial system
- warrantless searches of homes and vehicles
- government interference in the media
- violence against women and children
- trafficking in persons
- discrimination against indigenous people

#### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

While the government or its agents did not commit any politically motivated killings, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that police continued to commit unlawful killings. In most cases the police shot the victims while attempting to arrest them or while a crime was being committed. Although police seldom were prosecuted for unlawful killings, the new police commissioner brought charges against officers implicated in such abuses and instigated greater efforts to investigate and hold police officers accountable. The constitution broadly defines justifiable use of lethal force.

On January 13, police shot and killed murder suspect Simeon Hope in his house. Press accounts stated that witnesses said police ordered other occupants out of the house before firing. The Police Complaints Authority (PCA) recommended a coroner's inquest, but it had not commenced by year's end.

On July 13, police accidentally shot Eon Forrester, who was in custody at the East La Penitence police station, when a scuffle broke out between a policeman and another man in custody. Forrester died at the hospital. The director of public prosecutions (DPP) upheld a PCA recommendation to charge the policeman with manslaughter, and he was awaiting trial at year's end.

On July 16, a policeman shot and killed Dwight McKenzie and Eon Alleyn while both were on a motorcycle. According to police the two men matched the description of burglars; they took evasive action and began firing at the police. Eyewitnesses told the press that the men were evading the police but not firing, and that one officer exited the police vehicle firing rounds into the air. When the men did not stop, another officer fired four rounds directly at them. The PCA recommended a coroner's inquest, but no action had been taken by year's end.

On November 12, a policeman shot and killed Carl Abrams, who was sitting by a fence near his home. The policeman claimed that he had returned Abrams' fire, but further investigation found that only one shot was fired. The DPP upheld the PCA's recommendation to charge the policeman with murder. At year's end the policeman was in custody awaiting trial.

In 2004 an informant alleged that Minister of Home Affairs Ronald Gajraj was involved in directing an extrajudicial killing squad. In May a Presidential Commission of Inquiry cleared Gajraj of involvement in promoting, directing, or otherwise engaging in activities involving the squad. However, circumstantial evidence pointed to the contrary, and the commission's work was hindered by witnesses mysteriously dying or refusing to testify. Gajraj admitted to interactions with some members of the killing squad. Upon the release of the report, Gajraj was

reinstated but subsequently resigned his position due to international pressure.

There were no developments in the allegations of wrongdoing in police killings in previous years, including the 2004 shootings of Sherman George, Curtis Lorenzo, and Kelvin Nero.

Of the two police officers charged with killing University of Guyana student Yohance Douglas in 2003, one was released due to lack of evidence. On December 16, a High Court jury found the second policeman guilty of manslaughter, but he appealed the verdict on the grounds that the judge misled the jury.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits torture, and there no reports of its use, allegations of police abuse of suspects continued. The PCA received 61 complaints of unlawful arrest and 3 of unnecessary use of violence during the year.

On November 11, police held 3 women and their 4 children for 10 hours in a filthy holding cell at a police station. The women claimed that they were not allowed to respond to the allegation of disorderly behavior made against them. A magistrate dismissed the case against them on November 16.

Various groups commended the police commissioner for his efforts to pursue and discipline officers accused of abuse. The police commissioner instituted training and worked closely with the PCA and DPP to investigate complaints of improper police behavior and punish those found culpable. However, there were numerous indications that the government did not take human rights seriously and believed that the police force's concern for human rights was affecting the force's crime-fighting ability.

In May a former female inmate at the New Opportunity Corps (NOC), a correctional facility for juvenile delinquents, filed a complaint of sexual abuse against staff members. The Guyana Police Force (GPF), Ministry of Human Services, and the Ministry of Culture, Youth, and Sport investigated; in June authorities charged three male counselors with rape. They were released on bail and awaited trial at year's end.

#### Prison and Detention Center Conditions

Prison and jail conditions were poor, particularly in police holding cells. However, the GHRA stated that "prisons have improved immeasurably in the last decade" and met minimum international standards. The Prison Authority reported that there were 1,485 prisoners in 5 facilities, nearly half of whom were in Georgetown's Camp Street Prison, the country's largest. That prison, expanded to hold 500 inmates, held an average of 700 prisoners during the year, far below the 1 thousand it used to hold.

Conditions in the country's four smaller prisons generally were adequate. Some prisons officers received basic medical training, but there was no doctor to perform regular visits at any of the prisons. The prison system faced issues of staffing constraints and lack of resources. However, attempts were made to give all prison officers human rights training, and the senior level management of the Prison Service made serious efforts to combat cruel, inhuman, or degrading treatment in the prisons. The GHRA did not consider mistreatment of prisoners a problem in the prison system.

Although sanitary and medical conditions in police holding facilities varied, these conditions were worse than those in the prisons. Some jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were inadequate; friends and relatives routinely had to bring detainees food and water. Cells rarely had sanitary facilities, and staff members sometimes escorted inmates outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, waiting for the overburdened judicial system to act on their cases.

Unlike previous years, there were no reports that prisoners died while in police custody.

Juvenile offenders aged 16 and older were placed in the adult prison population. Juvenile offenders aged 15 and younger were held in the NOC, which originally was conceived as a training and rehabilitation facility rather than a juvenile detention center. There were complaints that juvenile runaways or those out of their guardians' care were placed with juveniles who had committed crimes. The NOC facility had multiple problems including staffing capacity and capabilities.

Since there were no facilities in Georgetown to house female offenders aged 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 69 female inmates in the women's prison located in New Amsterdam.

The government permitted independent monitoring of prison conditions, but there were no known requests to conduct such monitoring 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 GPF maintains internal security. It consists of three thousand members and is headed by the commissioner of police. The minister of home affairs oversees the GPF. The Guyana Defense Force (GDF) is responsible for defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF consists of 2,500 troops and is headed by the chief of staff. The GDF falls under the purview of the minister of defense, whose portfolio was held by the president, and the Defense Board.

Poor training, poor equipment, and acute budgetary constraints severely limited the effectiveness of the GPF. Public confidence and cooperation with the police remained extremely low. There were reports of corruption in the force, especially in the lower ranks. Since taking office in 2004, the commissioner of police made it a priority to address corruption and lack of police accountability. Most cases involving charges against police officers were heard by lower magistrate's courts, where other specially trained police officers served as the prosecutors. The Bar Association questioned officers' commitment to prosecute their own colleagues and recommended that the DPP should handle prosecution of serious cases.

The chairman of the PCA, a former chancellor of the judiciary, made serious efforts to turn the PCA into a credible working body. When a complaint is received and investigated, a report and relevant statements are sent to the chairman and a two-person panel for review. By law the police commissioner must comply with the PCA's recommendation on complaints. In August, frustrated with hundreds of cases still awaiting police reports, the chairman wrote to the commissioner, and within days the commissioner provided more than 82 files.

The PCA received 269 written complaints during the year, of which 11 involved police killings. Investigation into these killings led to three charges against police officers and eight recommendations for inquests. The remaining 258 complaints were mostly for police neglecting their duties or misbehaving in public places, unlawful arrest, wrongful seizure of firearms or motor vehicles, corrupt transactions, and unnecessary use of force. At year's end 101 reports remained outstanding, and the other 157 complaints had been investigated and dealt with by the police force or rejected by the PCA.

The GPF included a basic human rights course in its recruit-training program and held a week-long human rights training seminar in September, sponsored by the GHRA and the UN Development Program.

#### Arrest and Detention

An arrest requires a warrant issued by a court official, unless an officer witnesses a crime, or at the officer's discretion in instances where 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, and this was generally observed in practice. Bail was generally available, except in capital offenses and narcotics trafficking cases. Although narcotics trafficking was not a bailable offense, some magistrates granted bail to drug defendants.

Although the law provides criminal detainees prompt access to a lawyer of their choice, as well as access to family members, in practice these rights were not fully respected. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client. There were reports that senior officers refused to grant prompt access to prisoners.

The government did not detain persons on political grounds, although supporters of Mark Benschop, a talk show host arrested on charges of treason in 2002, considered him to be a political detainee. In 2004 his trial concluded with a hung jury that voted 11 to 1 for acquittal. Although the judge's summation to the jury indicated that there was no evidence that the accused had intent to overthrow the government, the judge scheduled Benschop for retrial. In December he sued the attorney general over his continued incarceration without bail and the High Court's delay in hearing his case a second time; he remained in jail at year's end.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and lengthy legal procedures remained a problem, despite the chief justice's efforts to have the courts deal more quickly with inmates on remand. Pretrial detainees made up approximately one-third of the prison population, and the average length of pretrial detention was 18 to 20 months.

#### e. Denial of Fair Public Trial

Although the law provides for an independent judiciary and the government generally respected this provision in practice, some law enforcement officials, prominent lawyers, and others accused the government of occasional judicial intervention. The general perception was that the judiciary was influenced by the executive, and that corruption existed at the magistrate level.

Delays and inefficiencies in the judicial process undermined due process. Delays in judicial proceeding 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. The delays resulted in a backlog of more than 10 thousand cases, some dating back 10 years.

The court system is composed of magistrate's courts, the High Court, and the Court of Appeals. There is also the right of final appeal to the new Caribbean Court of Justice. The magistrate's courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrate's courts. The DPP is statutorily independent, may file legal charges against offenders, and handles all

criminal cases.

The Judicial Services Commission (JSC) has the authority to appoint judges, determine tenure, and appoint the DPP and his deputy. The president, on the advice of the JSC, may temporarily appoint judges to sit in magistrate's courts and on the High Court.

#### Trial Procedures

Defendants have public trials, and appeals may be made to higher courts. Defendants are presumed innocent until found guilty. Cases in magistrate's courts are tried without jury; more serious cases are tried by jury in the High Court. Appeals of some murder cases may continue for several years. Trial postponements were granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had a limited effect.

Although the law recognizes the right to legal counsel, in practice, with the exception of cases involving capital crimes, it was limited to those who could afford to pay. There is no public defender system; however, a defendant in a murder case received a court-appointed attorney if the case reached the High Court.

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

There were no reports of political prisoners.

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

While the law prohibits such actions, authorities sometimes infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were reports that police officers searched homes without warrants, particularly in the village of Buxton, a criminal enclave, and in neighborhoods where narcotics trafficking was suspected.

In October a joint GPF/GDF operation in Buxton searched 350 homes and arrested 112 persons, including 3 wanted men. Police released all but the wanted men, and the sweeps did not turn up arms or ammunition. The GHRA condemned the operation, asserting that law-abiding citizens of Buxton were being unduly harassed. The GHRA also noted that the operation took place just weeks after President Jagdeo stated that the police "are more concerned with human rights groups than with victims". The police commissioner denied that the operation was designed to appease Jagdeo's frustration.

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

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

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were some exceptions.

The independent media were active and expressed a wide variety of views without restriction. International media were allowed to operate freely. The government's daily newspaper, the *Guyana Chronicle*, which typically displayed a progovernment bias, covered a broad spectrum of political and nongovernmental groups.

There were reports of prior restraint of media reporting. Guyflag, an insurance company accused of a major insurance fraud, filed two legal actions against the *Stabroek News* after the newspaper published an analysis of the company's annual report. A court granted the firm an injunction restraining further publication of certain parts of that article "or any similar words." The matter was still before the court at year's end.

Government limits on licensing and expansion constrained the broadcast media. The government owned and operated the radio stations, which are the only media that reach the entire country. Private interests and the political opposition continued to criticize the government for its failure to approve long-standing requests for private radio frequency authorizations. The government stated that no new radio or television licenses would be granted, nor any extensions of broadcast service approved, pending passage of a new broadcast law, a draft of which had not yet been tabled in parliament. Nonetheless, the national television station continued to expand its service. Twenty-one independent television stations also operated throughout the country.

Equitable access to the state media remained a contentious issue between the government and the major opposition parties and grew more heated prior to an election year.

On January 22, in the wake of devastating floods along most of the coastal area, the prime minister suspended the operating license of CNS Channel 6 for one month. The suspension responded to programs hosted by the station's proprietor, the leader of an opposition political party, which the government claimed misrepresented the situation by portraying the government as insensitive to the suffering and losses caused by the flooding. Authorities took the station off the air, and police seized broadcasting equipment. The proprietor's attempts to

continue broadcasting in defiance of the suspension were repeatedly blocked due to cuts in electricity to his studio. The proprietor filed a motion in the High Court to lift the suspension, but when the case went before the court, it resulted in a deadlock. The station returned to the air after the one-month suspension.

There were no government restrictions on the Internet or academic freedom.

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

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

#### c. Freedom of Religion

The law provides for the freedom of religion, and the government generally respected this right in practice.

While the government recognizes religious groups of all faiths, churches were required to register with the government to be formally recognized. Foreign religious groups seeking to establish operations require permission from the Ministry of Home Affairs before commencing their activities.

According to the Amerindian Act, religious groups seeking access to Amerindian villages are required to obtain special permission from the minister of Amerindian affairs. The minister reviews the scope of activities submitted by the religious body and grants approval on a case-by-case basis.

#### Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. There was a very small Jewish community.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

#### .d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

The law provides for these rights, and the government generally respected them in practice.

Travel to Amerindian areas required government permission, the result of a law dating from 1951. However, in practice most persons traveled throughout these areas without a permit.

The law prohibits forced exile, and it was not used.

#### Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system to protect refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

#### 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 elections held on the basis of universal suffrage. There is a multiparty political system based on proportional representation, and the party that wins the most votes for parliament wins the presidency. The president appoints a cabinet and prime minister who, with the president, exercise executive power.

#### Elections and Political Participation

In 2001 citizens voted in a generally free and fair election to keep the PPP/C in office, defeating the Peoples National Congress Reform (PNC/R), which is the main opposition party. Incumbent Bharrat Jagdeo remained the PPP/C's presidential candidate and was re-elected to a five-year term. More than 165 international observers deemed the elections free and fair, according to international standards.

In 2003 the president and the leader of the opposition established a bipartisan task force to reform the local government system, which completed its work in 2004 and submitted its report to both leaders. The report left two issues outstanding--fiscal decentralization and the structure of the electoral system for local elections. The task force has not reconvened, and the report was not implemented due to a stalemate between the two major political parties. Local government elections, last held in 1994, were delayed pending completion of the

reform and in order not to conflict with national elections scheduled for mid-2006.

The constitution contains language that allows the Guyana Elections Commission (GECOM) to determine what forms of identification to require for a voter to prove his identity. In past elections losing parties claimed that rivals had registered nonexistent voters by questionable means, such as oaths of identity. In October GECOM opened a continuous registration process for the 2006 elections. To control the registration process more tightly (so the political parties are satisfied the voter's list is not padded), GECOM included a new requirement that new registrants present a birth certificate or passport as proof of age and citizenship. There was concern that this new requirement might disenfranchise persons who did not have such documents.

While supporters of the two major parties (the PPP/C and the PNC/R) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities respectively, political party leadership was more diverse. The cabinet was also ethnically diverse. Four of 19 cabinet ministers were Afro-Guyanese, including the prime minister and the head of the presidential secretariat. There were two cabinet ministers of Portuguese decent and one Amerindian. The cabinet also included four women.

There were 20 women and 4 Amerindians in the 65-seat parliament. The constitution requires that one-third of each party's list of parliamentary candidates be female, but a party can meet that requirement and then not select any women for parliamentary seats. Nonetheless, almost one-third of parliamentarians were female.

#### Government Corruption and Transparency

There was a widespread public perception of corruption in the government, including law enforcement and the judicial system. Low wage public servants were easy targets for bribery.

The law does not provide for public access to government information. Government officials were reluctant to provide public information without approval from senior levels of the administration.

#### Section 4 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. Government officials somewhat were cooperative and responsive to their views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

While the constitution provides fundamental rights for all persons regardless of race, gender, religion, or national origin, the government did not always enforce these provisions.

#### Women

Violence against women, including domestic violence, was widespread and crossed racial and socio-economic lines. The law prohibits domestic violence, gives women the right to seek prompt protection, and allows victims to seek protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to \$54 (G\$10 thousand) and 12 months' imprisonment; however, this legislation frequently was not enforced.

According to the NGO Help and Shelter, the government used laws against domestic violence with some measure of success; the problems lay with the failure of those responsible for implementation. Help and Shelter said that all magistrates and magistrate's court staff needed to be more sensitive to the problem of domestic violence and to their roles in ensuring implementation of the law. In addition not all police officers fully understood provisions of the law.

Between January and September, Help and Shelter handled 312 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 215 of the cases involved spousal abuse directed against women.

GHRA noted that women lacked protection against sexual and physical exploitation and abuse and said that institutional resistance in all sectors, including law enforcement, the judiciary, and the legal profession seriously contributed to the increase in violence against women.

NGOs trained police officers, teachers, nurses, agricultural workers, religious groups, and health clinics to sensitize them to domestic violence. Domestic violence training was part of the curriculum of the Police Training College. Help and Shelter operated a hot line to counsel victims. There is a Task Force on Violence against Women whose membership included NGOs, representatives from law enforcement, the health community, and youth. The task force conducted research and analysis on ways to better combat violence against women.

Although rape, including spousal rape, is illegal, it was a serious but infrequently reported or prosecuted problem. While increasing numbers of victims reported these crimes to the authorities, victims were socially stigmatized. 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 established trend appeared to be a sentence of 5 to 10 years in prison.

By the end of July, official records from all magisterial districts recorded 50 rape charges. However, the chief probation and family welfare

officer stated that a realistic figure likely was double the official one because victims were reluctant to file charges or report cases. Statistics showed that in more than 70 percent of sexual assault cases, the victim was under the age of 18. According to a study released by GHRA, there were only 9 convictions from 647 rape reports for the period 2000-04. The study described "unreconstructed chauvinism" of the country's legal culture as one of the biggest obstacles in delivering justice for victims.

Prostitution is illegal but widespread, and it received greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased attention to trafficking in persons.

Although the law prohibits discrimination based on gender, there was no legal protection against sexual harassment in the workplace. Officials of the Women's Leadership Institute (WLI), a collaborative effort between the government and the UN Development Program, asserted that sexual harassment was a significant problem. WLI reported that while the problem is widespread, victims were reluctant to make official reports, due to fear of the associated stigma and a lack of confidence in the legal system to deliver justice promptly.

Although women constituted a significant proportion of the workforce, there were credible reports that they were not equally treated and faced disadvantages in promotion. 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 law protects women's property rights in common-law marriages and entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had not been employed. The courts may overturn a husband's will if it does not provide for his wife, as long as she was dependent on him financially.

## Children

The government generally was committed to children's rights and welfare, and in August the cabinet began its review of a draft Family Bill, under preparation since 1995. The bill was divided into five separate pieces of legislation: The Protection of the Children Bill, the Status of the Children Bill, Adoption of the Children Bill, the Child Care and Development Services Bill and the Custody, Access, Guardianship and Maintenance Bill.

Public education was available to age 20. Education was compulsory until age 16, universal, and free through secondary school. Children often did not attend school because their families needed them to contribute to the household by working or providing child care to siblings or younger relatives. According to 2004 statistics, primary school attendance was 87 percent, although only 50 percent of the children completed secondary education. Schools suffered from high attrition rates of trained and experienced teachers, gross understaffing with a high proportion of untrained and underqualified teachers, and very poor infrastructure. The severe deterioration of the public education system limited children's future prospects.

In February the Ministry of Labor, Human Services, and Social Security, the UN Children's Fund (UNICEF), and the NGO Red Thread released a report entitled "*Voices of Children: Experiences with Violence*," which studied the impact of violence on the lives of children. The study found that children are most at risk in their own environments and with people they consider friends or family rather than from criminals or strangers. Some violence endured by children could be traced to common practices and beliefs within the country. The report noted cases of "serious sexual violence perpetrated by older children against younger children in institutions. In each case the perpetrator remained in the same institution even when the abuse had been reported to caregivers."

The age of criminal responsibility is 10, although children usually were not prosecuted as adults, and offenders were sent to the NOC (see section 1.c.).

In October a new law raised the age of sexual consent from 13 to 16. Minister of Labor Dale Bisnauth told parliament that this law did not deal with sexual offenses, but merely addressed the issue of statutory rape. Under the law anyone who has carnal knowledge of a girl under the age of 16 can be found guilty of a felony and imprisoned for life.

There was continued concern over the effects of domestic violence on children. It was unclear how many deaths from child abuse took place; law enforcement officials believed that the vast majority of criminal child abuse cases were underreported. Reports of physical and sexual abuse of children were common. In December the Ministry of Labor, Human Services, and Social Security established a database called the Child Protection Monitoring System to track all reported cases of violence, abuse and neglect of children. The intent was to have all NGOs and law enforcement agencies able to feed information into a comprehensive database. The ministry received assistance from UNICEF.

There were reports of child prostitution (see section 5, Trafficking).

## Trafficking in Persons

The 2004 Combating of Trafficking in Persons Act prohibits all forms of trafficking in persons, but there were reports that persons were trafficked to, from, or within the country. Penalties include three years' to life imprisonment, forfeiture of property, and full restitution to the victims.

There was a National Plan of Action to combat human trafficking, and the deputy commissioner of police monitored enforcement.

The government continued to make progress in its efforts to combat trafficking in persons. In October authorities charged a businesswoman from Port Kaituma with trafficking in persons for allegedly forcing two 15-year-old girls to work as prostitutes. The acting magistrate denied

the woman bail and remanded her to prison until her next court appearance. Also in October authorities charged a businessman and two employees with trafficking two teenage girls.

In December 2004 the GPF cooperated with the Suriname Police Corps on a joint investigation that led to the arrest of a Surinamese deputy district commissioner for trafficking four Guyanese women, aged 14 to 27, from Guyana to Suriname and forcing them to work as prostitutes in his brothel.

The country was a source and destination for trafficked women and children, although most trafficking in persons occurred internally. Trafficking reportedly took place in the interior, where there was little government oversight and law enforcement was lacking. Most trafficking originated in impoverished Amerindian communities, although some victims came from the larger coastal cities. Some women trafficked into the country came from the northern regions of neighboring Brazil. Some were trafficked specifically to work in the timber industry. A smaller number of women were trafficked into Suriname's sex trade. The majority of trafficked women and children were lured to mining camps deep in the interior beyond the reach of law enforcement. Reports indicated that trafficking victims were promised employment as highly paid domestic helpers, cooks, restaurant servers, and nude dancers. The victims were provided with barracks-style housing with cramped quarters and sometimes were locked inside. They were restrained through debt-bondage, intimidation, and physical abuse. Most victims were exposed to the same health risks as prostitutes and other victims of sexual exploitation, including sexually transmitted diseases such as HIV/AIDS.

Most traffickers were believed to be individual businessmen or small groups of miners. There was no evidence that government officials or institutions participated in or condoned human trafficking. Although police corruption continued, there were no reports of any cases of police corruption linked to human trafficking.

The government did not attempt to punish or prosecute victims. Victims identified by the government were removed from the traffickers' custody and provided passage back to their homes. There were no reports of societal discrimination against trafficking victims.

The government also worked closely with and provided support for the NGOs Help and Shelter and Red Thread that dealt with trafficking. The government provided \$25 thousand (G\$5 million) to renovate Help and Shelter's physical facility to provide shelter to trafficking victims. The government worked to develop a formal procedure to provide short- and long-term care to victims, including medical attention, housing, and repatriation allowances to victims, prior to their return home.

Beginning in June the government held monthly educational seminars attended by more than 200 people throughout the country. The seminars focused on educating community members about human trafficking and teaching attendees how to report human trafficking activities to the appropriate authorities.

#### Persons with Disabilities

The constitution says "the state shall, for the purpose of promoting equality, take legislative and other measures designed to protect disadvantaged persons and persons with disabilities," but there is no implementing legislation allowing such a person to fight a discriminatory act. There is no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult for persons with disabilities to be employed outside their homes. The National Commission on Disabilities (NCD) drafted legislation to protect people with disabilities, which underwent public consultations throughout the country. From August to October, the NCD conducted a survey of 1,500 persons with disabilities across four regions. The survey generated information about the nature of disabilities in order to inform policy, intervention, and plan services. A few independent organizations dealing with specific disabilities existed, such as a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities and functioned throughout the year.

#### National/Racial/Ethnic/Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin continued to influence society and political life. Racial grouping of social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. A few politicians and media personalities engaged in rhetorical and propaganda attacks that fueled racial tensions.

#### Indigenous People

According to the 2002 census, the Amerindian population constituted 9 percent of the population. There were 9 tribal groups, and 90 percent of Amerindian communities were in the remote interior. Their standard of living was lower than that of most citizens, and they had limited ability to participate in decisions affecting their lands, cultures, traditions, and allocation of natural resources. Access to education and health care in Amerindian communities was limited, but the government worked to improve these services. All Amerindian communities had primary schools, and there were eight secondary schools in the hinterland regions. The secondary schools had dormitories that housed approximately 800 students at the government's expense. The government also offered scholarships for 300 Amerindian children to attend secondary school in Georgetown. The government established programs to train health workers, and health huts were established in most communities.

The Amerindian Act regulates Amerindian life. Under the act the government may determine who is an Amerindian and what constitutes an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian may accept formal employment, but these provisions were not enforced.

For the Amerindian population, land rights were a major issue. Amerindians complained that the government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with them. The Amerindian communities often viewed these allocations as illegitimate seizure of "their" lands and complained that consultations on development in the interior did not provide adequate time for feedback.

The government accepted 46 of the 74 recommendations presented during national consultations on a new Amerindian bill and tabled it in parliament in August. In October parliament sent the bill to a select committee. Many Amerindian groups, NGOs, and the parliamentary opposition parties opposed the new bill. The three largest NGOs--the Amerindian People's Association, the Amerindian Action Movement of Guyana, and the Guyana Organization of Indigenous People--advocated complete withdrawal of the bill from consideration. The main issues of contention were inadequacy of rights to land and resources, use of the term "Amerindian" rather than "Indigenous", the number of powers conferred upon the minister of Amerindian affairs, and the lack of autonomy given to community governing institutions.

## Section 6 Worker Rights

### a. The Right of Association

The constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions, and workers exercised this right in practice. However, the constitution also specifically bars GPF members from unionizing or associating with any established union. Approximately 32 percent of the work force was unionized.

There is no law prohibiting antiunion discrimination by employers. Although not always in harmony with specific unions, the country's socialist history continued to ensure that the government maintained a generally pro-union stance.

### b. The Right to Organize and Bargain Collectively

Public and private sector employees possessed and utilized the right to organize and to bargain collectively. The Ministry of Labor certified all collective bargaining agreements, and there were no reports that it refused to do so. Individual unions directly negotiate collective bargaining status. The chief labor officer and the staff of the Ministry of Labor provided consultation, enforcement, and conciliation services.

The law provides workers with the right to strike, and workers exercised this right in practice. Strikes may be declared illegal if the union leadership did not approve them or if they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place, but they are required to engage in compulsory arbitration to bring an end to a strike. There is no law prohibiting retaliation against strikers, but this principle always was included in the terms of resumption after a strike. The law defines and places limits on the retaliatory actions employers may take against strikers.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see section 5).

### d. Prohibition of Child Labor and Minimum Age for Employment

Although the law sets minimum age requirements for employment of children, child labor in the informal sector was a problem, and it was common to see very young children engaged in street trading in the capital. Legally, no person under age 14 may be employed in any industry, and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed.

According to the 2001 UNICEF-sponsored Multiple Indicator Cluster Survey, 27 percent of children between the ages of 5 and 14 were economically active. The majority of children started working between the ages of 10 and 14. Approximately 45 percent of children worked in the interior regions. The report indicated that most children were not involved in the worst forms of child labor, and estimated that 3 percent of the children were involved in commercial sexual activity. Teenage prostitution was a problem (see section 5).

In July the Ministry of Labor, Human Services, and Social Security and the International Labor Organization (ILO) held a one-day seminar on the prevention and eradication of child labor. The ILO initiated activities as part of its International Program for Elimination of Child Labor.

While the Ministry of Labor recognized that child labor existed in the informal sector, it did not employ sufficient inspectors to enforce existing laws effectively.

### e. Acceptable Conditions of Work

A civil service arbitration ruling in 1999 established a minimum public sector wage, which has since been increased periodically by unilateral government action to \$109 (G\$22,099) per month. New minimum wages for certain categories of private sector workers took effect on September 1, starting with a minimum of \$16 (G\$3,300) per week. Affected occupations include retail cashiers and clerks, printers, drivers, and conductors. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly

women and children in the informal private sector, often were paid less than what was required legally in the service sector. Laborers and untrained teachers at public schools also were paid less than the minimum wage. The legal minimum wage did not provide a decent standard of living for a worker and family.

The law sets hours of employment, which vary by industry and sector. In general work in excess of a 44-hour workweek required an overtime payment rate. The law does not require a minimum weekly rest period but does state that a person cannot be compelled to work overtime.

The law also 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. As with its other responsibilities, inadequate resources prevented the ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.

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