



2008 Human Rights Report: Guyana

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2008 Country Reports on Human Rights Practices

February 25, 2009

The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 760,000. President Bharrat Jagdeo was reelected to a second full term in 2006 elections considered generally free and fair by international observers. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. 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. The most significant reported abuses included potentially unlawful killings by police, mistreatment of suspects and detainees by the security forces, poor prison and jail conditions, lengthy pretrial detention, government corruption, and sexual and domestic violence against women and children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings. The constitution broadly defines justifiable use of lethal force; however, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that both the Guyana Police Force (GPF) and the Guyana Prison Service committed unlawful killings. The Police Complaints Authority (PCA) received eight complaints of unlawful killings compared with nine the previous year. In most cases the police reportedly shot the victims while attempting to make an arrest or while a crime was being committed.

On July 3, prison officials allegedly beat and tortured inmate Edwin Niles, who later died from his injuries. On September 19, authorities charged senior prison officials Kurt Corbin and Gladwin Samuels with manslaughter in Niles's death, and the case was pending at year's end.

On July 26, prison inmate Nolan Noble died from blunt force trauma to the head in circumstances that remained unclear; a police investigation continued at year's end.

On October 20, police detainee James Nelson died after being beaten. On December 4, the PCA stated that the available evidence did not clarify the circumstances of his death, and called for an inquest to be conducted.

On September 22, the preliminary inquiry into the alleged February 2007 killing of Clifton Garraway by police officer Clement Bailey concluded: the depositions were forwarded to the Director of Public Prosecutions (DPP) for a recommendation on criminal charges.

In the September 2007 shooting death of Donna Herod, a coroner's inquest began on November 10 and continued

at year's end.

On August 28, police shot and killed two of the suspects in the 2006 murder of Minister of Agriculture Satyadeow Sawh. Four other suspects remained at large at year's end.

There were two incidents of extreme violence involving at least one criminal gang. On January 26, 15 to 20 heavily armed individuals attacked several houses in the Lusignan neighborhood, killing 11 persons, including five children. On February 17, a similar number of heavily armed criminals raided the town of Bartica on the Essequibo River, killing 12 persons, including three police officers. In June police confronted and killed three of the suspected gang members. On August 28, police killed the gang's leader, Rondell Rawlins, who was also the suspected mastermind of both attacks. Three other persons were charged with murder for the Bartica killings, and three persons (including a 14-year-old boy) were charged with murder for the Lusignan killings.

Rondell Rawlins's gang was also implicated in the June 21 killing of eight miners in a remote mining camp along the Berbice River, although the camp owner and some media reports suggested that government security personnel had been responsible.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits torture, although there was one confirmed report of its use by prison officials. Numerous allegations circulated that more prison inmates were tortured. There were also allegations of police abuse of suspects and detainees.

In April the Guyana Defense Force (GDF) concluded its investigation and submitted a report to the Defense Board concerning the December 2007 physical abuse of two soldiers during an interrogation. In November the GDF Commander asserted that the GDF members involved in the incident had been disciplined, but did not identify the individuals or the penalties imposed. Despite promises to do so, the government refused to release the report's contents to the public. However, a local media outlet claimed it obtained a leaked copy of the report and quoted sections that implied the infliction of severe pain or suffering on the accused. The government did not investigate separate allegations made by three civilians in 2007 that they also were victims of torture carried out by GDF officers.

During the year the PCA received 29 complaints of unlawful arrest and 15 complaints of unnecessary use of violence.

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 Prison Authority reported that there were 2,100 prisoners in five facilities, more than half of whom were in Georgetown's Camp Street Prison, which was designed to hold 610 inmates but held 1,100. Overcrowding at the Camp Street Prison was in large part due to backlogs of pretrial detainees, which constituted approximately 60 percent of its total population.

Conditions in the country's four smaller prisons also reportedly deteriorated. Some prison officers received basic medical training, but no doctor regularly visited the prisons.

All newly hired prison guards received limited human rights training from the GHRA, but the government made no provision for reinforcement training beyond this initial stage.

Although sanitary and medical conditions in police holding facilities varied, overall 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. 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.

Juvenile offenders ages 16 and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the New Opportunity Corp (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, with the result that some petty offenders became involved in more serious criminal activity.

Since there were no facilities in Georgetown to hold female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 94 female inmates in the women's prison located in New Amsterdam. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held with adult female pretrial detainees.

The Prison Authority offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance abuse problems.

The government did not permit monitoring of prison conditions by either independent bodies or by members of Parliament, and turned down requests for monitoring visits from the Parliamentary opposition and from a diplomatic mission. The government did not provide a reason for the refusals, other than to clarify they were not due to security concerns.

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, which is headed by the commissioner of police and overseen by the Ministry of Home Affairs, employed approximately 2,700 officers and is responsible for maintaining internal security. The 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, headed by the chief of staff, consisted of approximately 1,000 troops; it falls under the purview of the Defense Board, which the president chairs.

Poor training, poor equipment, and acute budgetary constraints severely limited the effectiveness of the GPF. Public confidence in and cooperation with the police remained low. There were reports of corruption in the force. Most cases involving charges against police officers were heard by lower magistrates' courts, where specially trained police officers served as the prosecutors.

Substantial staff shortages (only four of eight full time positions were filled) and the lack of its own investigative unit obstructed the PCA's effort to conduct impartial and transparent assessments of accusations it received. 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 getting reports from the

commissioner also thwarted the complaints process.

During the year the PCA received 167 written complaints, of which eight involved police killings. The remaining 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. Investigation into the complaints led to no recommendations of criminal charges, but did lead to 40 recommendations of disciplinary action against police officers.

The GHRA provided a mandatory one-week human rights course for police recruits.

Arrest and 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 capital offenses and narcotics trafficking cases.

Although the law provides criminal detainees prompt access to a lawyer of their choice and 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.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted approximately one third of the prison population, and the average length of pretrial detention was four months for those awaiting trial at magistrates' courts and 13 months for those awaiting trial at 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. Delays in judicial proceedings 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 court system is composed of several magistrates' courts, the High Court, and the Court of Appeal. There is also the right of final appeal to the Caribbean Court of Justice. The magistrates' courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrates' 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 director and deputy director. The president, on the advice of the JSC, may temporarily appoint judges to sit on magistrates' courts and on the High Court. There were nine sitting High Court justices, with three vacancies. In April the JSC made recommendations to the president for filling the vacant seats, but by year's end the president had not taken action. All four seats on the Court of Appeal remained vacant; however, the chief justice and the chancellor of the judiciary were serving in acting capacities.

Trial Procedures

Trials are public, and defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury; more serious cases 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, except in cases involving capital crimes, it was limited to those who could afford to pay. 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

The government generally did not detain persons on political grounds. However, there was widespread reporting that the government's imprisonment on March 5 of former GDF officer Oliver Hinckson, and his subsequent indictment for sedition, was politically motivated. On October 9, Hinckson was granted bail, and his trial was pending at year's end.

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. The magistrates' courts deal with both criminal and civil matters. Delays, inefficiencies, and corruption in the magistrate court system affected the ability of citizens to seek timely remedy in civil matters, and there was a large backlog of civil cases.

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

While the law prohibits such actions, and law enforcement officials generally respected these prohibitions, 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.

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, the government demonstrated diminishing tolerance for publicly expressed views or opinions different from its own.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The partially government owned daily newspaper, the Guyana Chronicle, which typically displayed a progovernment slant, covered a broad spectrum of political and nongovernmental groups. The independent daily newspapers Stabroek News, Kaieteur News, and Guyana Times freely reported and editorialized on the government's policies and actions.

On April 11, the government suspended the broadcast license of independent television station Channel 6 for four months as punishment for airing a vague threat made by a caller against President Jagdeo during a live call in

show, despite the host's immediate condemnation of the caller's remarks. The government asserted that the station had violated the terms of its license by inciting violence.

In July the government banned a well known local television journalist, Gordon Moseley, from the Office of the President and the presidential residence for allegedly making "disparaging and disrespectful" remarks towards the president in a letter published in two local newspapers. The letter objected to the president's public repudiation of a report Moseley had aired; neither the report nor the letter was reported to contain anything offensive.

In January the Stabroek News halted its public campaign against the September 2007 government decision to cease placement of government advertising in Stabroek News. In March the government resumed advertising.

Continued government limits on licensing of new radio stations constrained the broadcast media. The government owned and operated two radio stations, broadcasting with multiple frequencies, which were the only media capable of reaching the entire country. In December the High Court chief justice ruled that the government had acted unconstitutionally by refusing to respond to multiple television station license applications for Region 10, affirming that this "infringed on the applicants' constitutional right to freedom of expression." Private interests and the political opposition continued to criticize the government for its failure to approve similarly longstanding requests for private radio frequency authorizations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The International Telecommunication Union reported that there were 11 Internet users per 100 inhabitants in 2007.

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 freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti Semitic acts. The Jewish community was very small, perhaps fewer than 10 members.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/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 council grant permission for travel to Amerindian areas. In practice most persons traveled throughout these areas without a permit.

The law prohibits forced exile, and the government did not use it.

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 for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. The government did not receive any petitions to grant refugee status or asylum.

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 due to a stalled local government reform process. Political parties operated without restrictions or outside interference.

Elections and Political Participation

The most recent elections took place in 2006, when citizens voted in a generally free election to keep the PPP/C government in office. Incumbent President Bharrat Jagdeo was reelected to a five-year term. International observers, including teams from the Organization of American States, the Caribbean Community, the Carter Center, and the Commonwealth, noted isolated irregularities not sufficient to change the outcome and declared the election to be substantially free and fair, while noting that ruling party use of government resources during the campaign disadvantaged opposition parties.

The Elections Commission and the ruling PPP/C party continued to challenge in court the minority Alliance for Change (AFC) party's 2006 claim that incorrect vote counting in Region 10 in the 2006 national elections had wrongly awarded a seat to the PPP/C that should have gone to the AFC. A High Court resolution to the case remained pending at year's end; meanwhile, a PPP/C member occupied the disputed seat.

The constitution requires that one third of each party list of candidates be female but does not require the parties to select women for seats. There were 21 women in the 65 seat National Assembly; six of 21 cabinet ministers were women.

While supporters of the two major parties (the PPP/C and the People's National Congress/Reform) were drawn largely from the Indo Guyanese and Afro Guyanese communities, respectively, political party leadership was more diverse. The ethnically diverse National Assembly included four indigenous members. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. More than one quarter of the 22 cabinet ministers were Afro Guyanese, including the prime minister and the head of the presidential secretariat; there were also three indigenous cabinet ministers.

Government Corruption and Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively. 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 wage public servants were easy targets for bribery.

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.

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

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often uncooperative and unresponsive to their views; when they did respond, it was generally to criticize. In responding to accusations that its officers may have engaged in torture, a GDF press release criticized those "willfully seeking to vilify the officers of the GDF...and to destabilize and demoralize the GDF."

The constitution allows for a governmental human rights commission, but it remained nonfunctioning, and there was no human rights ombudsman within the government.

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

Rape and incest are illegal but were neither frequently reported nor prosecuted; spousal rape is not illegal, which contributed to an atmosphere where victims were often reluctant to report incidents. If a case does come to trial, 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 five to 10 years in prison. During the year there were 17 criminal prosecutions of individuals charged with rape.

Violence against women, including domestic violence, was widespread and crossed racial and socioeconomic 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 G\$10,000 (\$54) and 12 months' imprisonment; however, this legislation frequently was not enforced.

According to the NGO Help and Shelter, unlike in previous years, government enforcement of laws against domestic violence was poor. Help and Shelter asserted that magistrates and magistrate court staff lacked sensitivity 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; some officers reportedly could not recognize the paper form on which a protection order is written.

NGOs reported a perception that some police officers and magistrates could be bribed to make cases of domestic

violence "go away." The government did not prosecute cases in which the alleged victim or victim's family agreed to drop the case in exchange for a monetary payment out of court. NGOs asserted the need for a specialized family court.

During the year Help and Shelter handled 468 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 306 of the cases involved spousal abuse directed against women. Help and Shelter, which received funding from both private donors and the government, ran a free shelter for victims of domestic violence and operated a hotline to counsel victims.

Prostitution is illegal but present. It continued to receive greater public attention due to the high incidence of HIV/AIDS among prostitutes.

Sexual harassment is prohibited under the Prevention of Discrimination Act, which provides for monetary penalties and award of damages to victims. Any act of sexual harassment involving physical assault can also be prosecuted under relevant criminal statutes. Although reports of sexual harassment were common, there were no prosecutions for sexual harassment under the Prevention of Discrimination Act, and charges of sexual harassment were often settled out of court.

The law prohibits discrimination based on gender, but there was no legal protection against such discrimination in the workplace. Although women constituted a significant proportion of the workforce, there were credible reports that they were not equally treated 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, but implementing legislation had not been passed.

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.

Children

The government generally was committed to children's rights and welfare. The constitution provides for a commission on the rights of the child, but implementing legislation had not been passed.

Reports of physical and sexual abuse of children were common. During the year Help and Shelter handled 55 cases of child abuse and an additional 14 cases of rape in which the victim was 17 years of age or younger. It was unclear how many deaths from child abuse took place; 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 age of sexual consent is 16. Under the law anyone who has carnal knowledge of a girl under 16 can be found guilty of a felony and imprisoned for life. There were unconfirmed reports of child prostitution, although there were no indications that the country is a destination for child sex tourism.

Trafficking in Persons

The law prohibits all forms of trafficking in persons, and, unlike in previous years, there were few reports that persons were trafficked to, from, or within the country.

Government and NGOs reported only a small number of cases involving trafficking in persons. There were some unconfirmed reports of girls from the interior (where there was little government oversight and law enforcement was lacking) being trafficked for commercial sex to countries in South America and the Caribbean. Most traffickers were believed to be individual business persons.

The trafficking case against two women charged in 2006 with forcing a 12 year old girl into sexual slavery was dismissed in October for lack of evidence.

Penalties for trafficking include three years' to life imprisonment, forfeiture of property, and full restitution to the victims. There were no convictions under the Trafficking in Persons Act during the year. In January the government dropped charges in six trafficking cases due to lack of evidence and the amount of time elapsed since the incidents. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions delayed prosecution of cases. There is a National Plan of Action to combat human trafficking as well as a National Task Force for Combating Trafficking in Persons, which consisted of multiple government agencies, that meets to address antitrafficking issues. The Ministry of Home Affairs chaired the task force and monitored enforcement.

There was no evidence that government officials or institutions participated in or condoned human trafficking.

There were no reports of societal discrimination against trafficking victims. The government also worked closely with, and provided some financial support for, the NGOs Help and Shelter and Red Thread, although neither reported any trafficking victims during the year.

In January the government facilitated the return from Trinidad of a trafficking victim who had escaped her captors; this individual received vocational training and a stipend from the government to assist in her reintegration.

In February the Human Services and Social Security Ministry completed a countrywide antitrafficking educational and self-awareness campaign, which reached more than 5,000 individuals. The National Task Force also conducted sensitization and awareness sessions that reached more than 1,000 persons across the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution mandates the state to "take legislative and other measures designed to protect disadvantaged persons and persons with disabilities"; however, there is no law allowing such persons to contest discriminatory acts. There is also 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, comprising 15 cabinet-appointed members, was charged with advising the government and acting as a coordinating body on issues affecting persons with disabilities. 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 tribal groups, and 90 percent of indigenous communities were located 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. Indigenous communities had limited access to education and health care; there was no information on the effectiveness of government efforts to improve these

services. All indigenous communities had primary schools, and there were 10 secondary schools in remote regions. The secondary schools had dormitories that housed approximately 1,400 students at government expense. The government established programs to train health workers and established rudimentary health facilities in most communities.

The law provides that 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.

Land rights were a major issue for the indigenous population. Indigenous people complained that the government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with them. The indigenous communities often viewed these allocations as illegitimate seizure of indigenous lands and alleged that consultations on development in the interior did not provide adequate time for feedback. However, the government also continued its program of granting full title to indigenous communities around the country for land the communities already occupied.

Other Societal Abuses and Discrimination

Violence and discrimination based on sexual orientation or against persons with HIV/AIDS were not widely reported.

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 20 percent of the work force was unionized.

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 of work after a strike. The law defines and places limits on the retaliatory actions employers may take against strikers.

b. The Right to Organize and Bargain Collectively

Public and private sector employees possessed and exercised 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 prohibits antiunion discrimination by employers; however, some unions alleged antiunion discrimination by the government.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were unconfirmed reports that such practices occurred. Unlike in previous years, there were no reports that Amerindian men were forced into labor in timber camps.

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. The law prohibits the employment of children younger than 15, with some exceptions. No person under 16 may be employed at night, except under regulated circumstances. The law permits children under 14 to be employed only in enterprises in which members of the same family are employed.

Child labor was most prevalent in family-based businesses, especially farming, bars and restaurants, and street vending. Small numbers of children performed hazardous work in the construction, logging, farming, fishing, and manufacturing industries. However, according to an NGO study during the year, the country does not have a significant problem with the worst forms of child labor.

The Ministry of Labor collaborated with the Ministry of Education and GPF to enforce child labor laws. The Ministry of Labor employed 20 labor inspectors who were charged with investigating child and exploitative labor activities; however, these were not sufficient to effectively enforce existing laws.

In 2006, with international donor assistance, the Ministry of Labor, Human Services, and Social Security, in conjunction with the Ministry of Education, launched a three-year project to reduce the incidence of the worst forms of child labor and withdraw or prevent 3,044 children from exploitative or hazardous labor conditions.

e. Acceptable Conditions of Work

The minimum public sector wage was G\$34,055 (\$166) per month. There were minimum wages for certain categories of private sector workers, including retail cashiers and clerks, printers, drivers, and conductors, starting with a minimum of G\$4,000 (\$20) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal 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. Inadequate resources prevented the ministry from effectively carrying out this function. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.