

# GUYANA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. The People's Progressive Party Civic (PPP/C) won a plurality of 48.6 percent of the vote in the November 2011 elections, and its party leader, Donald Ramotar, became president. He presides over the first minority government in parliament since independence in 1966. International and local observers considered the elections to be generally free, transparent, and peaceful. Security forces reported to civilian authorities.

The most serious human rights abuses involved suspects' and detainees' complaints of mistreatment 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; excessive government influence over the content of the national television network; 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, leading to 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 Police Complaints Authority (PCA) received 14 complaints of unlawful killings.

On July 18, police allegedly shot at a group of protesters on the first day of a planned five-day protest in the town of Linden, resulting in the deaths of Allan Lewis, Ron Somerset, and Shemroy Bouyea. Several other persons were injured in the incident. Protest action continued in the town until the government and the opposition agreed to institute a commission of inquiry into the shootings and address economic concerns at the center of the protest. On September 5, commissioners for the inquiry were sworn in. The commission concluded hearings

November 2 and was expected to reconvene in January 2013 to assess potential compensation for those affected by the protest.

Authorities charged three policemen with murder in the September 11 execution-style shooting of a 17-year-old that set off street demonstrations. They charged two policemen with manslaughter in an October 5 shooting of a young bystander during a police chase.

There were no developments in the May 2011 death of Angold Cox, shot and killed by a police officer after Cox was reported to the police for using threatening language towards his tenant. Trials in the High Court were set for January 2013 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 36 complaints of unnecessary use of violence. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation.

On June 23, Audrey Cummings claimed four armed policemen entered her home to search for guns, ammunition and narcotics. Once they entered her home and discovered that she was locked in her bedroom, the police allegedly kicked down the bedroom door, entered, dragged her out, and began to assault her verbally and physically, resulting in Cummings breaking her left hand.

Authorities failed to bring charges against the police commissioner accused of rape in November 2011, but his resignation was accepted (see section 6). Authorities initially dismissed the criminal charge instituted against one policeman in the November 2011 case at the Cove and John Police Station, where two policemen

were sexually involved with two female prisoners (one a juvenile) in custody at the station; authorities later reinstated the charge. The case remained pending at year's end.

In June 2011 a court awarded one of three suspects maliciously wounded by three police officers during a 2009 murder investigation 6.5 million Guyanese dollars (\$32,178) in damages as a result of a civil action filed in February 2010. (A court had earlier dismissed criminal charges against the three officers after witnesses failed to appear.) In July 2011 the attorney general appealed the award but later withdrew the appeal and paid the amount awarded by the court.

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

Prison and jail conditions were poor and deteriorating, particularly in police holding cells. Overcrowding was a severe problem.

Physical Conditions: The Guyana Prison Service (GPS) reported that as of October 2011 (latest data available), 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.

In 2011 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-on-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 had access to potable water, and government medical officers visited each prison on a monthly basis. In addition a medical staff consisting of a medical examiner, registered nurses, and assistant nurses provided daily treatment and monitored the sick as advised by the medical doctors. The GPS offered rehabilitation programs focused on vocational training and education; however, such programs did not adequately address the needs of prisoners with substance abuse problems.

As of October 2011 there were 88 female prisoners, all at the New Amsterdam prison. Authorities held some female detainees temporarily at the East La Penitence Police Station.

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. There were security incidents at the NOC throughout the year. In August over two dozen juveniles escaped from the facility, inflicting injuries to facility staff and burning housing units. There were complaints about the NOC's practice of placing juvenile runaways, or those out of their guardians' care, with juveniles who had committed crimes.

During the last quarter of the year, on the request of the training officer of the Guyana Prison Service, the Guyana Human Rights Association conducted training for approximately 25 newly hired prison officers and cadets.

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.

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

Monitoring: 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. 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.

Improvements: Based upon reports from the visiting committees, 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.

#### **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 police commissioner heads the Guyana Police Force (GPF), consisting of 3,264 members, which is responsible for maintaining internal security. The Ministry of Home Affairs oversees it. The duties of the 2,000-member Guyana Defence 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. According to the Caribbean Development Report commissioned by the UN Development Program, public confidence in the police force was very low. There were reports of corruption in the police force. In 2011 authorities charged and brought to court 39 GPF members for various crimes including robbery, simple larceny, bribery, and indecent assault. Police force abuses may be reported to the PCA; however, the PCA did not possess an independent investigation unit.

During the year the PCA received 250 written complaints and 450 oral complaints, 106 of which were sent from the commissioner of police. Most cited police neglect of duties, unlawful arrest, and unnecessary use of force. The PCA recommended disciplinary action in 70 cases and five recommendations for criminal charges. At year's end 91 reports remained outstanding.

Lack of an investigative unit hampered PCA efforts to conduct impartial and transparent assessments of the accusations it received. The PCA was staffed with six full-time positions and has requested that an additional position be created to handle statement records. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in receiving reports from the commissioner also thwarted the complaints process. 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 cannot be held for more than 72 hours unless 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, a nongovernmental organization (NGO), provides legal counsel at a reduced fee in certain circumstances, as determined by the clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Pretrial Detention: Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted 39 percent of the prison and detainee population. 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 judicial independence in practice.

Delays and inefficiencies undermined judicial due process.

On September 5, a magistrate tried and convicted a citizen in absentia and sentenced him to six months in prison for “threatening behavior” over a verbal altercation with a neighbor. Authorities made no apparent effort to locate or summon him to court from the time of the alleged offense on July 28 until he was found guilty, preventing him from defending himself at the trial. On September 10, when the person visited a local police station to file a complaint on a separate matter, the police arrested and jailed him for two days. Authorities released him on bail after he filed an appeal. The case remained pending at year’s end.

The director of public prosecutions (DPP) reported that 60 cases were disposed of during the year, 14 of which the prosecutor declined to prosecute because most were pending in excess of 15 years and the main witnesses to prove the offenses were no longer available to testify. Delays were caused by shortages of trained court personnel, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. In one known pending case, authorities postponed a hearing five times due to the failure of the magistrate to appear in court. There were 235 cases listed to be heard when the next Demerara assizes opened in January 2013, although that did not represent the total backlog.

### **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. The constitution provides that a person shall be informed as soon as reasonably practicable and in detail of the nature of the offense charged. The constitution also makes provision for persons charged with a criminal offence to be given adequate time and facilities for the preparation of his or her defense. Defendants can confront witnesses against them and have access to relevant government-held evidence. Defendants have the right to appeal. Authorities routinely granted trial postponements 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. A 2008 law allows for the interception of communications through a warrant issued by a judge, exceptions being in the case of a national emergency or where approval for a warrant is impracticable due to the urgency of the matter.

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

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

The law provides for freedom of speech including for members of the press, and the government generally respected this right in practice; however, the government's monopoly on radio broadcasting continued. The government also influenced print and broadcast media and continued to exert heavy control over the content of the National Communications Network (television), giving government spokespersons extended coverage, while limiting participation of opposition figures.

Freedom of Speech: The government controlled most radio stations, which limited the dissemination of diverse views and open public discussions. 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. In 2011 the government approved applications for 10 new radio stations, although the process was controversial, lacked transparency, and contained further steps needed before the new stations could begin broadcasting. Also in 2011 Parliament passed a broadcasting law that allowed for the establishment of a Guyana National Broadcasting Authority (GNBA) with a governing board appointed by the president. Observers noted that few of the board members had previous media experience. 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.” On September 5, the government appointed members of a governing board for the GNBA. By year’s end only one new station began operations, and it was closely aligned with the government. The NGO Reporters without Borders criticized press freedom in the country, due largely to its radio broadcasting monopolies.

Censorship or Content Restrictions: In contrast with 2011, there were no government-imposed restrictions on television stations or suspensions of broadcasts. The government largely directed advertising to media houses aligned with the governing party.

Libel Laws/National Security: Government officials used libel laws to suppress criticism. A hearing into a 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 began in August 2011 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 without judicial oversight. According to the International Telecommunication Union, 10 percent of households had Internet access and 32 percent of citizens used the Internet in 2011.

## **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. However, there was an incident in which police allegedly shot and killed demonstrators in July (see section 1.a.).

### **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 internal movement, 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 during 2011. In the absence of national legislation and requisite government capacity, the UNHCR assumed the main responsibility for determination of refugee status.

Refoulement: According to the UN's Universal Periodic Review in 2011, 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 every 33 to 36 months.

### **Elections and Political Participation**

Recent Elections: In November 2011 the PPP/C won a plurality, and its party leader, Donald Ramotar, became president. He replaced Bharrat Jagdeo, also of the PPP/C party. The PPP/C gained 48.6 percent of the vote, leaving the combined opposition with a one-seat majority in the National Assembly. President Ramotar presides over the first minority government in parliament since independence in 1966. International observers, including teams from the Organization of American States, Caribbean Community, Commonwealth, and Union of South American Nations, concluded that the elections were substantially free, transparent, and peaceful; and that they were well administered. Electoral observer recommendations centered on the need for mechanisms to guarantee more equitable access to media and political financing; improvements of citizen representation and oversight of the electoral process; strengthening gender balanced participation throughout the electoral process, including women's representation in parliament; and greater timeliness in transmission of preliminary and final results. International observers also recommended the holding of local government elections as soon as possible. Observers also noted that Guyana Elections Commission members are political appointees, which "compromises the effectiveness and integrity of the commission, which needs to be independent and above politics at all levels."

Participation of Women and Minorities: The constitution requires that one-third of each party list of electoral 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 the Partnership for National Union) were drawn largely from the Indo-Guyanese and Afro-Guyanese communities, respectively, political party leadership was more diverse. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. Seven cabinet members were Afro-Guyanese, including the prime

minister and the head of the presidential secretariat. The ethnically diverse National Assembly included seven indigenous members; there were also two Amerindian cabinet ministers.

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

The law provides for criminal penalties for corruption by officials; however, the government did not implement the law effectively. There remained a widespread public perception of corruption involving officials at all levels, including the police and the judiciary. The World Bank's Worldwide Governance Indicators assessed that government corruption was a serious problem.

In October 2011 the GPF crime chief submitted a report to the minister of home affairs regarding allegations by a senior GPF member that many officers had connections to drug dealers. The minister 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. Although the prime minister stated in June that members would soon be appointed to this commission, it was not functional as of year's end. On June 14, the National Assembly approved a government motion that members submit annual declarations in keeping with provisions of the Integrity Act, but compliance was uneven, and the commission had no resources for enforcement or investigations.

The act sets out both criminal and administrative sanctions for nondisclosure. If a person fails to file a declaration, the fact can be published in the daily newspapers and the official *Gazette*. Failure to comply with the law can lead to a summary conviction, fines, and imprisonment for six to 12 months. If property was not disclosed as it should have been, the magistrate convicting the defendant will order the defendant to make a full disclosure within a set time frame. No such publication nor convictions occurred during the year.

The Office of the Auditor General, along with a Public Procurement Commission (PPC) (constitutionally mandated, but never constituted) and the Integrity Commission, were intended to create a framework for government transparency and accountability, but the last two institutions did not play such a role during the year. The Office of the Auditor General scrutinizes the expenditure of public funds on behalf of Parliament and conducts financial audits of all publicly funded entities, including donor-funded entities, local government agencies, and trade

unions and reports to the National Assembly. However, the office's effectiveness remained limited since the government may or may not act on the discrepancies noted in its reports. Observers noted that recurring discrepancies were repeatedly highlighted in the reports without officials taking appropriate follow-up actions to investigate and resolve the discrepancies.

The 2001 constitution called for the establishment of a PPC to monitor public procurement and ensure that authorities conduct the procurement of goods and services in a fair, transparent, competitive, and cost-effective manner. However, the government never constituted the PPC despite public criticism of the present system's ineffectiveness in awarding government contracts in an equitable and transparent manner. Under pressure from opposition parties in parliament, the government promised to establish the PPC by June; however, it had not done so by year's end.

A 2011 Access to Information Act, intended to promote transparency and accountability within the government and public institutions, provided for persons to secure access to information under the control of public authorities and for the appointment of a commissioner of information. However, by year's end the government had not issued implementing regulations nor appointed a commissioner.

### **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 complained that government officials were uncooperative and unresponsive to their views and, when they did respond, it was generally to criticize rather than investigate allegations.

Government Human Rights Bodies: The constitution allows for a governmental human rights commission, but authorities never established it. The position of ombudsman, who may investigate any action taken by any government department or authority in relation to the administrative functions of that department or authority, has been vacant since 2005.

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

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

## Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, but many incidents were not reported to law enforcement. Authorities seldom successfully prosecuted cases that were reported. Based on media reports and commentary, there was a high incidence of rape and sexual assault not reflected in official statistics. Many survivors did not report rapes, presumably because of fear of stigma, retribution, or further violence. During the year authorities charged 102 persons with rape, but only 28 were convicted, due in part to the large court backlog. Additionally, authorities charged 89 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 November 2011 a woman accused the then GPF police commissioner of rape. After an investigation conducted with assistance from Jamaican authorities, the DPP recommended in February that the commissioner be charged with rape. However, before police could bring charges, the acting chief justice granted temporary orders blocking the DPP's recommendation and barring the police from instituting the charges. After hearing the case on several occasions and reviewing written submissions, the justice ruled on March 29 against the DPP, finding "her decision was unlawful and, even if not unlawful, was irrational" because the circumstantial evidence did not present a realistic prospect of a conviction.

The ruling attracted widespread criticism from civil society, including the Guyana Human Rights Association (GHRA) and another NGO. The GHRA said that the ruling was "profoundly disturbing" and lamented that "an opportunity for a meaningful test of this country's commitment to both the protection of females from sexual offenses and the principle that no one is above the law, should be short-circuited by such specious reasoning." In April the commissioner retired from the GPF.

Domestic violence and violence against women, including spousal abuse, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Court records showed that there were 279

domestic violence cases filed during the year, with 143 persons convicted. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars (\$50) and 12 months' imprisonment. However victims frequently were unwilling to press charges due to 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 an NGO, the GPF reorganized police units to require inclusion of domestic violence units where victims can be counseled in private. The NGO 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 418 cases of abuse and violence, including child, spousal, and other domestic abuse, of which 32 were formally filed in a court.

The government and private donors funded an NGO to run a free shelter for victims of domestic violence and operate a hotline to counsel victims with the funds it received from both private donors and the government. During the year the NGO conducted 180 awareness sessions to sensitize individuals about domestic violence, reaching 4,367 persons, and counseled 641 persons affected by domestic abuse or violence during face-to-face counseling sessions and via a hotline.

Another civil society group promoted the empowerment of women through organized protests, which have led to passage of several laws protecting women and children, including laws on domestic violence, sexual offenses, and the protection of children. This organization also promoted provision of services such as literacy projects, 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; however, there were no 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. The UN Population Fund reported a contraceptive prevalence rate of 43 percent and an estimated maternal mortality ratio in 2010 of 280 deaths per 100,000 live births; 87 percent of births were attended by skilled health personnel. According to UN estimates, 40 percent of women ages 15 to 49 were using a modern method of contraception. 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 enjoy the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. The law prohibits discrimination based on gender, but there was no meaningful enforcement against such discrimination in the workplace. 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 to draw attention to issues that affect the development of women. During the year the commission engaged in a countrywide dialogue and met with regional representatives, stakeholders, government officials, and residents to listen to the concerns of women to more effectively plan and implement policy at the national level. The law protects women's property rights in common law marriages. It entitles a woman who separates or divorces to one-half of the couple's property if she had regular employment during the marriage and one-third of the property if she had not been employed. 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 one NGO handled 26 cases of child abuse. No 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 4,100 child abuse reports, involving neglect, sexual abuse, physical abuse, verbal abuse, child custody, teenage pregnancy, and delinquency.

Child Marriage: The legal age for marriage is 18, but boys and girls may marry at 16 with parental permission. During 2000-10 UNICEF reported that 20 percent of marriages took place when the bride was under the age of 18.

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 (NCD) to advise the government, coordinate actions on issues affecting persons with disabilities, and implement and monitor the law. The NCD focused its attention on sensitizing the public about the law and on compliance, as well as performing sensitization workshops with the Ministries of Labor, Human Services and Social Security, Education and Health. At least one private commercial bank participated in a sensitization workshop. The commission also embarked on a 15-week radio and television program, “the NCD and you,” funded by members of the private sector, to raise the commission’s public profile.

There were specialized schools for the blind and special schools for persons with disabilities in regions four and six, the most populous regions of the country. 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 NCD received very few complaints from persons who experienced discrimination--one such report highlighted landlord-tenant discrimination where rental was denied because one of the occupants had a disability.

### **Indigenous People**

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

According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine recognized tribal groups, and 90 percent of indigenous communities were 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. As of December 2011 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.

Since passage of the Amerindian Act of 2006, the government increased the number of communal land titles for indigenous communities from 74 to 97, more than doubling the area of communal land titles from 6.5 percent of the national territory to 14 percent. In 2010 a total of 134 communities had collective land titles. To earn 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**

Consensual same-sex activity between adult men is illegal under gross indecency laws and punishable by up to two years in prison. Anal intercourse 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 provided numbers. Activists reported that it was more common for the police to use the law to intimidate men who were gay or perceived to be gay. There are no laws concerning same-sex sexual activity between women. In 2009 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.”

While the law protects persons from various types of discrimination, no anti-discrimination legislation exists to protect persons from discrimination based on sexual orientation or gender identity. Following the 2009 incident in which a judge fined several transgender persons 7,500 Guyanese dollars (\$37) for cross-dressing, 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.

NGOs reported widespread discrimination of persons based on their real or perceived sexual orientation. Reports note discrimination in employment, access

to education, and in other public settings. An April report noted that lesbian, gay, bisexual and transgender (LGBT) persons were fearful of reporting crimes that had been committed against them because they believed or were told that charges would also be brought against them because of their sexual orientation or gender identity.

In April the government announced that it would begin a national consultation on whether to repeal the laws that affect LGBT persons. In August the prime minister directed parliament to create a committee to direct the consultation and study a proposed prohibition on discrimination against LGBT persons.

### **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 law, including related regulations and statutory instruments, protects the right of association and allows workers to form and join trade unions, conduct legal strikes, and bargain collectively. The constitution bars military and paramilitary members from forming a union or associating with any established union.

The government may declare strikes to be illegal if not approved by the union leadership or if the union did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide a one-month notice to the Ministry of Labor and leave a skeleton staff in place, although the International Labor Organization noted that not all sectors 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.

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 but does not specifically require reinstatement of workers fired for union activity. All categories of employees are covered by the labor laws, including foreign migrant workers.

The government occasionally enforced applicable laws, but did not do so effectively.

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

Following the government's December announcement of a 5 percent increase in wages for public servants, the Guyana Public Service Union threatened "serious consequences" for labor relations unless the government returned to the bargaining table. The union argued that the decision to set the increase was in conflict with the Trade Union Recognition Act, which requires negotiations in good faith. The government's announcement was made at the time when the government and the union were negotiating a new multiyear wage agreement.

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

The law prohibits all forms of forced or compulsory labor, but the government in general did not effectively enforce the law.

Country experts asserted that forced and compulsory labor occurred in the mining, agriculture, and forestry sectors in addition to domestic servitude. Children were particularly vulnerable to forced labor.

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 ages 16 and 17 whose work requires continuity through day and night, including certain gold

mining processes and the production of iron, steel, glass, paper, and raw sugar. The law permits children under 15 to be employed only in enterprises in which members of the same family are also employed. The law prohibits children under 15 from working in factories and stipulates that those under 18 may be removed from factory work if authorities determine they are engaged in activities that are hazardous to their health or safety.

The government did not enforce existing laws effectively. 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 10 labor inspectors. Despite conducting approximately 1,311 worksite inspections, authorities assessed no fines or penalties, nor did they charge any employers with violations related to child labor.

Child labor occurred during the year and was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. Although the Labor Ministry reported no child labor violations during the year, NGOs reported incidents of the worst forms of child labor occurred, mainly in gold mining, prostitution, and forced labor activities including domestic servitude. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals.

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 public sector minimum wage is 37,657 Guyanese dollars (\$186) per month. 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 enforcement of safety and labor standards and had 10 inspectors. The government reported that it recovered 25.6 million Guyanese dollars (\$126,733) from employers who had violated the rights of their workers. The ministry noted that complaints of unfair

acts from employees gave rise to the imposition of fines on employers and compensation to workers. During the year the ministry investigated 953 complaints of varying kinds by employees, many of which were resolved, resulting in workers being compensated. The ministry also initiated 34 charges against 14 employers, and those matters remained before the court at year's end.

Labor inspections carried out during the year included occupational safety and health. Ministry follow-up of labor of inspection findings varied, and compliance among employers was also inconsistent.

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. 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 reported 738 industrial accidents during the year. Of the reported accidents, 12 were fatal.