

## **GUYANA**

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 that international observers considered generally free and fair. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. Security forces reported to civilian authorities.

The principal human rights abuses were complaints of unlawful killings by police, mistreatment of suspects and detainees by security forces, poor prison and jail conditions, and lengthy pretrial detention. Other problems included allegations of government corruption, including among police officials, and sexual and domestic violence against women and abuse of minors.

### **RESPECT FOR HUMAN RIGHTS**

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

a.    Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, the Police Complaints Authority (PCA) received 13 complaints of unlawful killings.

On June 7, police officers, responding to a disturbance at a high school, shot and killed 16-year-old student Kelvin Fraser. The police said Fraser was shot during a scuffle, while an eyewitness said that Fraser was fleeing the scene at the time he was shot. A post-mortem examination found that Fraser died of shock and hemorrhage from trauma caused by gunshots fired at close range. On June 28, authorities charged police officer Quancy John with the murder. He was remanded to prison, and the case was transferred to the Wales Magistrate's Court and was pending at year's end.

There were no known developments in the investigation by the Office of the Director of Public Prosecutions in the April 2009 fatal shooting by an off-duty member of the Presidential Guard.

Murder charges remained pending against three on-duty members of the Coast Guard for the August 2009 killing of businessman Dweive Kant Ramdass. The case was set for a court hearing in early 2011.

At year's end prison officials Kurt Corbin and Gladwin Samuels awaited trial in the High Court for a 2008 manslaughter case.

In the 2008 case of extreme violence in Lusignan in which 11 persons were killed, Mark Williams, Dwane Williams, and James Hiles awaited trial in the High Court.

In the 2008 case of extreme violence in Bartica, in which 12 persons were killed, authorities in May 2009 charged five individuals: Mark Williams, Dennis Williams, Clebert Reece, Michael Caesar, and Roger Simon. The preliminary investigation concluded, and the case was scheduled for a court hearing in early 2011.

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, however; there were reports alleging mistreatment of inmates by prison officials. There were also allegations of police abuse of suspects and detainees; however, unlike in 2009, there were no reports of torture.

During the year the PCA received 11 complaints of unnecessary use of violence. Local media reported several cases of random police brutality, arrest, and interrogation prior to investigation.

On December 9, Detective Corporal Ricardo Inniss was accused of raping a 21-year-old woman who was in custody at the Turkeyen Police Station. The woman alleged that the detective, who was on duty, threatened her with continued confinement, took her into a room, and had sex with her against her will. The woman reported the incident, and the detective was detained. No charges had been filed at year's end.

The October 2009 case against three police officers, Sergeant Narine Lall, Constable Mohanram Dolai, and Corporal Oswald Foo, for maliciously wounding three suspects, 14-year-old Twyon Thomas, Deonarine Rafick, and Nouravie Wilfred, during a murder investigation remained pending at year's end. The complainants did not respond to court orders to appear to testify.

The Office of the Director of Public Prosecutions recommended dismissal from the Guyana Police Force (GPF) of police officer Lennox King, who allegedly sexually harassed and attempted to rape a Brazilian woman in November 2009.

In December 2009 authorities remanded police constable Gavin Holder to prison on charges of indecently assaulting a 15-year-old girl who was in police custody; authorities also charged police constable Gary Verwayne for the same offense. A court sentenced Gary Verwayne to two months' imprisonment, while Gavin Holder's case remained pending at year's end.

In December 2009 authorities arrested police constable Colin Jonas and an accomplice for robbing a businessperson of cash and jewelry worth 500,000 Guyanese dollars (\$2,500) at his shop in Crabwood Creek. The suspects were released on bail of 300,000 Guyanese dollars (\$1,500) in December 2009, and the case remained pending at year's end.

#### Prison and Detention Center Conditions

Prison and jail conditions were poor and deteriorating, particularly in police holding cells. Capacity and resource constraints were a problem. The Prison Authority reported that at the end of October, there were 2,122 prisoners in five facilities, which had a combined design capacity of 1,580. Approximately half of the prisoners were in Georgetown's Camp Street Prison, which was designed to hold 600 inmates but held 1,060. Overcrowding was in large part due to backlogs of pretrial detainees, who constituted approximately 41 percent of the total prison population. Government medical officers visit each prison location on a monthly basis. In addition, a medical staff consisting of a medical examiner, registered nurses, and assistant nurses provide daily treatment and monitor the sick as advised by the medical doctors. There were 83 female prisoners, all at the New Amsterdam prison. There were no juveniles in custody.

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

Conditions improved at the Brickdam facility lockups this year, after the facility reopened following renovations, including improved cells and bathroom facilities. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial action on their cases.

There were reported cases of death in prisons due to neglect or prison official abuse. On February 5, two prisoners died following a fight at the Georgetown Prison. An investigation concluded that inmate Solomon Blackman stabbed inmate Dyal Singh. Other inmates then beat and killed Blackman. Blackman had been diagnosed by a prison psychiatrist as mentally ill but was returned to the general prison population after he showed signs of improvement following medical treatment. Following the incident, the Guyana Prison Service announced measures to keep mentally unstable inmates segregated from the general prison population until construction of a separate facility to hold them.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Prison chaplains representing the major faiths in the country were appointed to all prison facilities. Prisoners and detainees are able to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Prisoners often circumvent procedures for submitting complaints by passing letters addressed to government officials to family members. The government investigated and monitored prison and detention center conditions. On October 1, the minister of home affairs appointed chairmen and members to the prison visiting committees of the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. These committees are required to monitor prison conditions and report findings to the Ministry of Home Affairs and the Prison Administration.

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 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 leading some petty offenders to become involved in more serious criminal activity.

The Prison Authority reported that there were 83 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.

While the constitution provides for the appointment of an ombudsman who may investigate any action taken by any government department or authority in relation to the administrative functions of that department or authority, the position has been vacant since 2005. There was no indication that the government declined to permit independent monitoring of prison conditions, but there were no known monitoring visits during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, during the year the PCA received 50 complaints of unlawful arrest.

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 2,884 officers and is responsible for maintaining internal security. The Guyana Defence Force (GDF) duties include 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 2,600 troops; it falls under the purview of the Defense Board, which the president chairs.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. Public confidence in, and cooperation with, the police remained low. There were reports of corruption in the police force. Police force abuses may be reported to the PCA; however, the PCA does not possess an independent investigation unit. On occasion the GPF reportedly failed to respond adequately to narcotics-related violence.

The PCA received approximately 400 written and oral complaints, 230 of which were sent from the commissioner of police, primarily for police neglect of duties or misconduct in public places, unlawful arrest, illegal search, corrupt transactions, and unnecessary use of force.

As of November the GPF Office of Professional Responsibility received 186 complaints; it concluded 144 investigations, and 13 were sent to the director of public prosecutions. PCA efforts to conduct impartial and transparent assessment of the accusations it received were obstructed by staff shortages (five of eight full-time positions were filled), as well as the lack of an investigative unit. By law the police commissioner must comply with the PCA's recommendations on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in receiving reports from the

commissioner also thwarted the complaints process. Most cases involving charges against police officers were heard by lower magistrates' courts, where specially trained police officers served as the prosecutors.

#### Arrest Procedures and Treatment While in Detention

An arrest requires a warrant issued by a court official, unless an officer who witnesses a crime believes there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 72 hours be brought before a court to be charged; authorities generally observed this requirement in practice. Bail was generally available except in cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, in practice these rights sometimes were not fully respected. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. However, the Legal Aid Clinic provides legal counsel at a reduced fee in certain circumstances, as determined by the Clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted 41 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 and for those awaiting trial in the High Court.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

Delays and inefficiencies undermined judicial due process. Prisoner Justin John was taken into custody in 2003 and charged with murder; his trial was scheduled to begin in 2008, but in May 2010, he was among 23 prisoners who requested an early trial; he was freed on June 16 after the state was unable to produce witnesses in support of its case.

In May according to prison records, 132 inmates of the Georgetown Prison were scheduled to stand trial in the High Court; some had been incarcerated since 2003. Delays were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution,

occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial.

### Trial Procedures

Trials are public and defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury. Cases involving more serious crimes are tried by jury in the High Court. Defendants can confront witnesses against them and have access to relevant government-held evidence. Defendants have the right to appeal. Trial postponements were granted routinely to both the defense and the prosecution. The law extends these rights to all citizens.

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

### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

The case of former GDF officer Oliver Hinckson, whose indictment in 2008 for sedition some observers claimed was politically motivated, was dismissed on June 28.

### 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. There is access to courts to bring lawsuits seeking damages for, or cessation of, some human rights violations. 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 remedies in civil matters, and there was a large backlog of civil cases.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, the government's monopoly on radio broadcasting continued. The government attempted to censor or restrict content; the government sought indirectly to censor the print media by controlling advertising.

On August 9, the government announced the establishment of a Web site through which procurement opportunities must be advertised. This announcement was made following the passage of legislation in the National Assembly to permit the publication of government procurement opportunities on a freely accessible Web site. *Stabroek News* claimed that after the announcement the Government Information Agency (GINA) placed no advertisements in *Stabroek News* or any other private newspapers, although some appeared in the government-run *Guyana Chronicle*. Another newspaper, *Kaieteur News*, offered the government free placements of advertisements based on the availability of space. Some attributed this pattern to a government attempt to deprive independent newspapers of advertising earnings.

Government officials used libel laws to suppress criticism, and the government closed the UN-funded Media Monitoring Unit, established in 2006 to monitor media in advance of the elections.

On July 12, President Bharrat Jagdeo filed a libel suit for 10 million Guyanese dollars (\$50,000) against the publishers of the *Kaieteur News*; its editor in chief, Adam Harris; and columnist Frederick Kissoon. The suit stemmed from statements in a June 28 article, "King Kong sent his goons to disrupt the conference." On July 13, the acting chief justice, Ian Chang, granted an interim injunction, restraining Kissoon, Harris, and the National Media and Publishing Company Limited, publisher of *Kaieteur News*, from reprinting the words or similar ones as contained in the column. The suit contends that the article contained "false and manufactured allegations" and was also "malicious, irresponsible, and inflammatory, calculated and designed to excite racial hostilities amongst the people of Guyana." The case remained pending at year's end.

On November 23, Minister of Agriculture Robert Persaud sued businessman and presidential hopeful Peter Ramsaroop and Property Holdings Inc. (owners of WRHM Channel 7) for 10 million Guyanese dollars (\$50,000) following the broadcast of a taped television show on November 7. The minister claimed he was

libeled in that broadcast. On November 23, a judge granted an injunction barring the channel and Ramsaroop from repeating the alleged libel. The minister asserted that statements on the program suggested that "he is dishonest, had committed malfeasance in public office," and was "guilty of fraud and other kindred criminal offenses." The case remained pending at year's end.

On August 5, reporters Gary Eleazar from *Kaieteur News*; Colin Smith, editor of the *Catholic Standard* and local BBC correspondent; Arianna Gordon of the *Guyana Times*; and Victor Vanvield of *Prime News* were turned away from a press briefing at the Office of the President for not having a GINA pass. They were informed that they would not be allowed in without a GINA pass and that the Guyana Press Association accreditation was not acceptable. Cabinet Secretary Roger Luncheon stated that the government would not surrender accreditation to any firm or entity other than GINA.

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

### 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 an estimated 29 Internet users per 100 inhabitants in 2009.

### Academic Freedom and Cultural Events

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

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

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

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://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 government cooperated with the UN Development Program Office and the Office of the UN High Commissioner for Refugees 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.

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 government has not established a system for providing protection to refugees. In practice the government did not expel or return refugees to a country where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, no such cases arose during the year.

#### 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. On December 2, the National Assembly passed the Local Authorities (Elections) (Amendment) Bill, which extended to December 1, 2011, the date for holding local-government elections. 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, declared the election substantially free and fair but found that ruling party use of government resources during the campaign disadvantaged opposition parties.

On February 16, the chief justice dismissed an election petition filed in the High Court by the minority party, Alliance for Change (AFC), in which the AFC claimed 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. The chief justice ruled that the party had breached a mandatory procedure by not filing the affidavit of service in a timely manner. The AFC filed the document 10 months after the petition, which the chief justice ruled was too long. The case was dismissed approximately three years after it was filed.

The constitution requires that one-third of each party list of candidates be women but does not require the parties to select women for seats. There were 20 women in the 65-seat National Assembly and five women in the 21-member cabinet.

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 three indigenous members. The cabinet was also ethnically diverse, mirroring the ethnic makeup of the general population. Five of the 21 cabinet members were Afro-Guyanese, including the prime minister and the head of the presidential secretariat; there were also two Amerindian cabinet ministers.

#### Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, there were reports alleging government corruption and complacency in enforcing these laws with respect to officials engaged in corrupt practices. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the government, including law enforcement and the judicial system. Low-wage public servants were easy targets for bribery. In January there were 62 GPF members before the courts charged with various crimes including robbery, simple larceny, bribery, and indecent assault.

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 information without approval from senior administration officials.

#### Section 5 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. Groups at times, however, complained that government officials were uncooperative and unresponsive to their views; when they did respond, it was generally to criticize.

The constitution allows for a governmental human rights commission, but it has not been established. While the constitution provides for an Office of the Ombudsman to provide redress to government employees, the ombudsman position has been vacant since 2005.

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

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

##### Women

Rape and incest are illegal but were neither frequently reported nor successfully prosecuted. Rape is a problem and pervasive in society. Ineffective police and prosecutors resulted in few charges and fewer convictions.

On May 24, the president signed into law a Sexual Offenses Bill that broadened the definition of rape to include spousal rape, coercion, new child-sex offenses, and the creation of offenses for vulnerable adults with a learning disability or mental disorder. Other offenses, such as indecent exposure, voyeurism, and bestiality are included; the assumption that males under the age of 14 years are incapable of sexual intercourse was abolished.

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 apparent

norm appeared to be a sentence of five to 10 years' imprisonment. During the year 42 persons were charged with rape and 20 were convicted (a figure that includes persons charged in preceding years). Additionally, during the year, 201 persons were charged with statutory rape and 53 were convicted (including persons charged in preceding years).

Domestic violence and violence against women, including spousal abuse, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to 10,000 Guyanese dollars (\$500) and 12 months' imprisonment; however, this legislation frequently was not enforced because of a lack of willingness to press charges on behalf of the victims and/or a lack of confidence in obtaining a remedy through the courts. Some victims preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes and other reports of magistrates applying inadequate sentences to convictions. Additionally, cases that appear for a violation of protective order tend to be categorized as assault cases.

According to the nongovernmental organization (NGO) Help and Shelter, the GPF refurbished police units, which are required to include domestic violence units where victims can be counseled in private. The group noted discrepancies in police training for domestic violence, with some divisions actively involved in training, while others remained unfamiliar with the basic violence protection order. The GPF reported that it had established domestic violence units in four police divisions by year's end.

Help and Shelter handled 346 cases of abuse and violence, including child, spousal, and other domestic abuse, of which 24 were formally filed in a court. Of these, three were prosecuted and one was dismissed during the year. Investigations in the remaining 20 cases continued at year's end.

During the year the Ministry of Labour, Human Services and Social Security established a Task Force on Violence Against Women. A representative from Help and Shelter sits on the Task Force.

Help and Shelter ran a free shelter for victims of domestic violence and operated a hotline to counsel victims with the funds it received from both private donors and the government. During the year Help and Shelter conducted 36 workshops and 132 awareness sessions in sensitizing individuals about domestic violence, reaching 4,313 individuals, and 929 were counseled for domestic abuse or violence during face-to-face counseling sessions and via the telephone hotline.

Sexual harassment is prohibited under the Prevention of Discrimination Act, which provides for monetary penalties and award of damages to victims, but its application is confined to the workplace. Harassment in schools, for instance, is not covered under the law. 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 known prosecutions for sexual harassment under the Prevention of Discrimination Act, and charges of sexual harassment were often settled out of court.

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 Children's Fund reported that 83 percent of births had a skilled attendant. The UN Population Fund reported a contraceptive prevalence rate of 34 percent. The UN Population Fund estimated the maternal mortality ratio in 2008 at 270 deaths per 100,000 live births. The Guyana Responsible Parenthood Association (GRPA), established in 1973, collaborated closely with the Ministry of Health's Maternal and Child Health Department to lecture on safe parenthood. GRPA has offered contraceptive services at its headquarters and government clinics since the early 1980s.

Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV/AIDS.

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 treated unequally as well as 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, whose chairperson was sworn in during April.

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

Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad.

There were some reports of physical and sexual abuse of children. During the year Help and Shelter handled 78 cases of child abuse and nine child abuse cases were filed with the courts, of which one was committed to the High Court, two were dismissed and six were ongoing. 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, established in 2009, operated a hotline to take calls regarding suspected abuse of children. The hotline received 447 child abuse reports, involving 770 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 is 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

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

#### Trafficking in Persons

For information on trafficking in persons, see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://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. On

November 2, President Jagdeo signed the Persons with Disabilities Act, which provides for equal protection under the law. The act stipulates that the National Commission on Disabilities shall comprise 12 members appointed by the president; it charges the commission with advising the government, coordinating actions on issues affecting persons with disabilities, and addressing implementation and monitoring of the act's provisions. Regardless, lack of appropriate infrastructure to provide access to both public and private facilities made it difficult for persons with disabilities to be employed outside their homes. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

### Indigenous People

According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine 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. All indigenous communities had primary schools, and there were 13 secondary schools with an enrollment of 5,547 in remote regions. The secondary schools had dormitories that housed approximately 1,000 to 1,700 students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

By law persons wishing to enter indigenous lands must obtain prior permission from the local village council, but most visitors traveled in these areas without a permit. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

Since passage of the Amerindian Act of 2006, which took effect on December 1, the government has increased the number of communal land titles for Indigenous communities from 74 to 97, more than doubling the area from 6.5 percent of the national territory so designated to 14 percent. At year's end 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. Some indigenous groups and others perceived President Jagdeo's Low Carbon Development Strategy (LCDS) as another government "land grab." The Jagdeo administration conducted consultations with several indigenous communities on the LCDS, but many observers described the sessions as one-way presentations by government officials.

The government made efforts to grant land titles to indigenous communities, and these titles are to receive payments under the LCDS.

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

Sodomy is punishable with a maximum sentence of life in prison. There are no laws concerning female-to-female sex.

In February 2009 police arrested several transgender persons and took them before the acting chief magistrate, who ordered levied a fine of 7,500 Guyanese dollars (\$37). The magistrate told them they were "confused" about their sexuality and gender, stating "it's a curse on the family." Following this incident the Society Against Sexual Orientation Discrimination and four of the individuals filed a motion in the High Court against the law criminalizing cross dressing; the case remained pending at year end.

#### Other Societal Violence or Discrimination

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

### Section 7 Worker Rights

#### a. The Right of Association

The constitution provides for the right of association and allows workers to form and join trade unions, and workers generally exercised this right in practice. However, the constitution bars military and paramilitary members from unionizing or associating with any established union. According to the Ministry of Labor, approximately 25 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 required one-month notice to the Ministry of Labor and leave a skeleton staff in place, although the International Labor Organization (ILO) continued to note that not all of the services deemed essential by the government were considered essential under international definitions. Arbitration is compulsory for public employees, and employees engaging in illegal strikes are subject to sanctions or imprisonment. The ILO noted that such restrictions compromised

workers' right to 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 bargain collectively. Eight collective bargaining agreements were signed in the first half of the year. The ILO noted that 40 percent of workers must be covered to conclude a collective bargaining agreement; 22 percent of the workforce was covered by collective bargaining agreements. The Ministry of Labor is required to certify all collective bargaining agreements, and there were no reports that it refused to certify any specific agreement. Individual unions directly negotiate collective bargaining status.

The law prohibits antiunion discrimination by employers; however, some public-sector employee unions continued to allege antiunion discrimination by the government. The Guyana Public Service Union and the Guyana Bauxite and General Workers' Union continued to allege antiunion discrimination by the government. Trade union worker rights continued to be violated, and the government did not effectively enforce its laws. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; there were reports of forced child labor, mainly involving the sexual exploitation of children. In February authorities rescued a child from a forced child-prostitution situation and charged a suspect in March. The case remained pending at year's end.

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. Technical schools may employ children age 14 provided public authority approves and supervises such work. No person under 16 may be employed at night, except under regulated circumstances. The law permits children under 16 to be employed only in enterprises in which members of the same family are also employed.

Child labor was most prevalent in family-based businesses, farming, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, fishing, manufacturing, and mining industries. Isolated incidents of the worst forms of

child labor occurred, mainly in gold mining, prostitution, and forced labor activities. Children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals.

There were also reports of sexual exploitation of children, most commonly in mining areas. Also see the Department of State's annual *Trafficking in Persons Report* at [f.state.gov/g/tip](http://f.state.gov/g/tip).

The Ministry of Labor collaborated with the Ministry of Education and the 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 enforce existing laws effectively. Despite conducting approximately 4,000 worksite inspections, no fines or penalties were assessed, and no employers were charged.

e. Acceptable Conditions of Work

The public sector minimum wage is 33,207 Guyanese dollars (\$165) per month, and it is applicable to both public and private sectors; however, the government set wage adjustments unilaterally for public-sector employees. Although the minimum wage is across the board, the private-sector wages/salaries are higher than that of the public sector for similar categories of workers such as clerks and drivers. The Ministry of Labor was responsible for enforcing the minimum wage, and although enforcement mechanisms exist they were not used effectively. Unorganized workers, particularly women and children in the informal sector, often were paid less than the service-sector legal 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. These standards were effectively enforced, according to the Ministry of Labor.

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. According to the Ministry of Labour, there were 24 fatal industrial accidents during the year. Fifty percent of these accidents were in the mining sector and 17 percent in the forestry sector. More than half of those who died in these sectors were 15 to 35 years of age.

The Ministry of Labor moderately enforced inspection findings; responsible employers were more likely to follow standards. Workers could not remove themselves from dangerous work situations without jeopardizing continued employment.