

# GUYANA 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. National and regional elections were held in May 2015, and a coalition of parties named APNU+AFC won. The largest components of that coalition were the Alliance for Change (AFC) and the People's National Congress/Reform, which constituted most of the coalition A Partnership for National Unity (APNU). Former leader of the opposition David Granger led the election coalition parties APNU+AFC and became president. International and local observers considered the elections free, fair, and credible.

Civilian authorities maintained effective control over the security forces.

The most significant human rights problems were alleged government corruption, including among police officials, and laws that discriminate against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

Other human rights problems included harsh and potentially life-threatening prison conditions, lengthy pretrial detention, and trafficking in persons.

Government officials did not enjoy impunity. There were independent and transparent procedures for handling allegations of abuses by security forces.

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

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings during the year.

In May police shot and killed Ryan Vaux, a former police officer. He was accused of robbery, and police killed him as he reportedly attempted to escape custody.

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

In February a member of the political opposition alleged that police officials beat and tortured him during interrogation. The government denied the allegations, and there was no medical evidence to support them.

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

Prison and jail conditions, particularly in police holding cells, were harsh and potentially life threatening due to gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Physical Conditions: In July the Guyana Prison Service reported there were 2,113 prisoners in five facilities with a combined design capacity of 1,640. A total of 992 prisoners were in Georgetown's Camp Street Prison, designed to hold 550 inmates. Overcrowding was in large part due to a backlog of pretrial detainees, who constituted approximately 11 percent of the total prison population. In March pretrial detainees at the Georgetown prison rioted and started a fire in a section of the prison, resulting in the death of 17 inmates. Media reports claimed the prisoners were protesting lengthy pretrial detention. Prisoners reported the conditions in the prisons were unsanitary and lacked potable water. Prisoners also complained of lengthy confinement in their cells without an opportunity for sunlight. Government officials claimed the prisoners were rioting in retaliation for guards removing prisoners' contraband. An independent commission of inquiry found the government's contentions accurate.

Officials held offenders 16 years of age and older with the adult prison population. In most cases officials held juvenile offenders ages 15 years and younger in the New Opportunity Corps, a juvenile correctional center that offered primary education, vocational training, and basic medical care.

Administration: Prisoners often circumvented procedures for submitting complaints of inhuman conditions or mistreatment by passing letters addressed to government officials through family members. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: Committees prepared monthly reports on their visits to the Georgetown, Mazaruni, New Amsterdam, and Timehri prisons. There was no indication the government declined to permit outside groups to monitor prison conditions independently, but there were no requests to make such visits during the year.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

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

The police commissioner heads the Guyana Police Force (GPF), which reports to the Ministry of National Security and is responsible for maintaining internal security. The Guyana Defense Force is responsible for external security but also has some domestic security responsibilities. The defense force, headed by a chief of staff, falls under the purview of the Defense Board, which the president of the country chairs.

Civilian authorities maintained effective control over the police and military, and the government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Inadequate training, poor equipment, and acute budgetary constraints severely limited the GPF's effectiveness. There were reports of corruption in the police force. Authorities charged and brought to court GPF members for various crimes, including robbery, simple larceny, bribery, and indecent assault. Other police charges were unnecessary use of force, unlawful arrest, and neglect of duties. According to the Caribbean Development Report 2009 commissioned by the UN Development Program and the Americas Barometer Survey 2015, public confidence in the police force was very low.

Complaints against police abuses are submitted to the Police Complaints Authority (PCA). The PCA's mandate is to conduct impartial and transparent investigations and assessments of the complaints it receives. The PCA has four nonpolice investigators, but investigations were slow. The PCA at times 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. By

law the police commissioner must comply with the PCA's recommendations on complaints. There is also an Office of Professional Responsibility, staffed by uniformed police officers who investigate complaints against their colleagues. Lower magistrate's courts, where specially trained police officers served as the prosecutors, heard most cases involving charges against police officers.

### **Arrest Procedures and Treatment of Detainees**

An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect 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. 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, authorities occasionally did not fully respect these rights. The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. 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 remained a problem, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures. The average length of pretrial detention was three years for those awaiting trial at a magistrate's court or in the High Court.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees or arrested persons are entitled to challenge in court the legal or arbitrary nature of their detention. If the court finds persons to have been detained unlawfully, they are entitled to prompt release, compensation, or both.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence.

Delays and inefficiencies undermined judicial due process. Shortages of trained court personnel, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and police sluggishness in preparing cases for trial caused delays.

### **Trial Procedures**

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Cases in magistrate's courts are tried without jury, while cases involving crimes that are more serious are tried by jury in the High Court. The constitution provides that a person shall be informed in detail of the nature of the offense charged as soon as reasonably practicable. The constitution also provides for persons charged with a criminal offense to be given adequate time and facilities for the preparation of a defense. Authorities routinely granted trial postponements to both the defense and the prosecution. Defendants have the right to be present at their trial and may confront adverse witnesses, present their own witnesses and evidence, and have access to relevant government-held evidence. Defendants have the right to appeal and free interpretation as necessary from the moment charged through all appeals. Although the law extends these rights to all citizens, some members of the LGBTI community did not enjoy all of these rights. In March a magistrate removed a defendant from the courtroom before the defendant could answer to the criminal charges against her because the defendant was a transgender woman.

While the law recognizes the right to legal counsel, 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. 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. Citizens have the right to appeal adverse domestic decisions to the Caribbean Court of Justice.

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

The law generally prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

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

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

The law provides for freedom of speech and press, and the government generally respected these rights.

Press and Media Freedom: Independent media were active and at times expressed a wide variety of views without restriction.

Censorship or Content Restrictions: A 2015 directive determines that all headlines in the state-owned print media be first scrutinized and approved by the Ministry of Information before publication. In April a columnist at the state-owned newspaper reported that his columns, which criticized the government, were censored and in some cases were never published.

Libel/Slander Laws: In May the government threatened civil action against a privately owned newspaper if it did not retract an article that criticized a member of the government. The newspaper subsequently retracted the article.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the

International Telecommunication Union, 38 percent of citizens used the internet in 2015.

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

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

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

### **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. The government cooperated with the Office of 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, or other persons of concern. There were no known requests for assistance during the year.

In-country Movement: The Amerindian Act requires that local village councils grant permission in advance for travel to indigenous areas, but most individuals traveled in these areas without a permit.

### **Protection of Refugees**

Access to Asylum: The government has not established a system for providing protection to refugees or asylum seekers and reportedly did not grant status to any person during the year. In the absence of national legislation and requisite government capacity, UNHCR assumed the main responsibility for the determination of refugee status.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Elections also take place within indigenous communities, where members elect indigenous leaders every 33 to 36 months.

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

Recent Elections: National and regional elections were held in May 2015. A coalition of parties formed by A Partnership for National Unity (APNU) and the Alliance for Change (AFC) won by a slim margin against the People's Progressive Party/Civic (PPP/C). The coalition leader and former opposition leader Brigadier David Granger was elected president. The general elections resulted in the first change of the ruling party in 23 years. International observers concluded the elections were free, fair, and credible. Local government elections were held in March in all eligible communities throughout the country and were considered free, fair, and credible by international observers. Although the law provides for local government elections every three years, there had been no local government elections since 1994.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate. The constitution requires that one-third of each party list of electoral candidates be women but does not require the parties to choose women for seats.

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

The law provides for criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year, and administration officials responded to the reports. There remained a widespread public perception of corruption involving officials at all levels, including the police and the judiciary.

Corruption: In July a police investigation found that Omar Shariff, the permanent secretary of the Ministry of the Presidency, had more than 10 billion Guyanese dollars (GYD) (\$500 million) in his personal bank accounts. Media reports suggested the money was accumulated through money laundering and tax evasion dealings spanning numerous years. Shariff was placed on annual leave and



remained off the job. As of November there were no reports that a legal case had been made against Shariff.

Financial Disclosure: Although the law requires public officials to declare their assets to an integrity commission, the commission had not been constituted by year's end. The law sets out both criminal and administrative sanctions for nondisclosure. If a person fails to file a declaration, that 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 is not disclosed as required, the magistrate convicting the defendant must order the defendant to make a full disclosure within a set time. No such publication or convictions occurred during the year.

Public Access to Information: The law provides for persons to secure access to information under the control of public authorities and for the appointment of a commissioner of information. In 2013 the government appointed a commissioner but did not issue implementing regulations. Requests to the commissioner were infrequent.

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

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These groups at times complained that government officials were uncooperative and unresponsive to their requests, and when they responded it was generally to criticize the groups rather than to investigate allegations.

Government Human Rights Bodies: The law provides for an ombudsperson to investigate official government actions or actions taken by government officials in exercise of their official duties. A new ombudsman took up duties in 2014 after an eight-year vacancy in that office.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and domestic violence. The law provides sufficiently stringent penalties for rape, with life imprisonment as the maximum penalty. Successful prosecution of cases

of rape and domestic violence was infrequent. Based on media reports and commentary from NGOs, the high incidence of rape and sexual assault was not reflected in official statistics. Many survivors did not report rape and other forms of sexual assault to authorities, presumably due to fear of stigma, lack of confidence in authorities, retribution, or further violence.

As of September authorities received 204 reports of rape and charged 36 persons. There was a large court backlog of cases alleging rape. A judge has discretion to issue a sentence of any length in a rape conviction, depending on the circumstances and severity of the act committed. The norm appeared to be a sentence of five to 10 years' imprisonment.

Domestic violence and violence against women, including spousal abuse, was widespread. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Police received 2,170 reports of domestic violence, and 1,131 persons were charged. Penalties for violation of protection orders include fines up to GYD 10,000 (\$50) and 12 months' imprisonment. Victims frequently were unwilling to press charges due to a lack of confidence in obtaining a remedy through the courts. Some preferred to reach a pecuniary settlement out of court. There were reports of police accepting bribes from perpetrators and other reports of magistrates applying inadequate sentences after conviction.

According to Help & Shelter, an NGO whose primary focus is assisting victims of domestic violence, police units are required to have domestic violence units where victims can be counseled in private. Help & Shelter observed that in most cases domestic violence reports were not taken confidentially but rather were discussed in the open at police stations and were not treated as a matter of urgency. The NGO handled cases of abuse and violence, including child, spousal, and other domestic abuse, and provided psychosocial services to those victims.

The government and private donors funded Help & Shelter to run a free shelter for victims of domestic violence and operate a hotline to counsel victims. The NGO also conducted awareness sessions to sensitize individuals about domestic violence and counseled persons affected by domestic abuse or violence during face-to-face counseling sessions and via the hotline.

Sexual Harassment: The law prohibits sexual harassment in the workplace and provides for monetary penalties and award of damages to victims. The law does not cover harassment in schools. Acts of sexual harassment involving physical

assault are prosecuted under relevant criminal statutes. While reports of sexual harassment were common, no cases were filed. Charges of sexual harassment often were settled out of court.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. The UN Population Fund reported a maternal mortality ratio of 230 deaths per 100,000 live births. Media highlighted cases where nurses ignored family members' complaints of lack of prompt attention, leading in some cases to sickness or death.

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. As of 2014, 44 percent of women were in the workforce, compared with 83 percent of men. Job vacancy notices routinely specified that the employer sought only male or only female applicants, and women earned approximately 61 percent less than men for equal work.

The Women's Affairs Bureau of the Ministry of Social Protection's Department 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 problems for women throughout the country. The constitution provides for a Women and Gender Equality Commission to draw attention to problems that affect the development of women. The commission engaged in a countrywide dialogue and met with regional representatives, stakeholders, government officials, and residents to hear the concerns of women in order to plan more effectively 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. 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. The law requires that births be registered within 14 days but also provides for registration of births after the 14-day period.

In practice births at hospitals and health facilities were registered within a day of delivery.

Child Abuse: There were frequent reports of physical and sexual abuse of children, which was a widespread and serious problem. As of July there were 223 cases of child abuse reported to the authorities, but law enforcement officials and NGOs believed the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs alleged 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.

Early and Forced Marriage: The legal age for marriage is 18 years, but boys and girls may marry at 16 years of age with parental consent or judicial authority. The UN Children’s Fund reported that 23 percent of women were married before the age of 18 and 6 percent of girls were married before age 15.

Sexual Exploitation of Children: The age of sexual consent is 16 years. By law anyone who has sexual relations with a child under age 16 may be found guilty of a felony and imprisoned for life. There were continued reports of children being exploited in prostitution. The law prohibits the commercial sexual exploitation of children ages 18 years and younger. The law also regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprave 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. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The constitution mandates that the state “take legislative and other measures” designed to protect disadvantaged persons and persons with disabilities. The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, but civil society groups stated the law was not regularly enforced. The law provides for a National Commission on Disabilities (NCD) to advise the government, coordinate actions on problems 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 Social Protection, Education, and Health.

There were segregated schools for the blind and for persons with other disabilities in regions four and six, the most populous regions of the country. Children with disabilities rarely attended mainstream schools, as these lacked the curriculum and infrastructure necessary to accommodate children with disabilities. Lack of appropriate transportation and 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 of discrimination.

## **Indigenous People**

Various laws protect the rights of the indigenous community, and members have some ability to participate in decisions affecting them, their land, and resources. Rules enacted by village councils require approval from the minister of indigenous people’s 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 most recent available data, the indigenous population constituted 10.5 percent of the total population. There were nine recognized tribal groups. Ninety percent of indigenous communities were in the remote interior. The standard of living in indigenous communities was lower than that of most citizens, and they had limited access to education and health care. Little reliable data existed regarding the situation of women and girls in indigenous communities, although indigenous women tended to face three-fold discrimination and vulnerability on the basis of gender, ethnicity, and reduced economic status. All indigenous communities had primary schools, and as of 2012 there were 13 secondary schools in remote regions. The secondary schools had dormitories that

housed students at government expense. Government programs trained health workers, who staffed rudimentary health facilities in most communities.

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

Consensual same-sex activity between adult men is illegal under the law and is punishable by up to two years in prison. Anal intercourse is punishable with a maximum sentence of life in prison, regardless of whether the intercourse is between persons of the same sex. Activists reported that it was more common for police to use the law to intimidate men who were gay or perceived to be gay than to make arrests. There are no laws concerning same-sex sexual activity between women. The law also criminalizes cross-dressing.

No antidiscrimination legislation exists to protect persons from discrimination based on real or perceived sexual orientation or gender identity, and NGOs reported widespread discrimination of persons in this regard. Reports noted discrimination in employment, access to education and medical care, and in public space. A 2012 report noted that LGBTI persons were fearful of reporting crimes committed against them because they believed that charges would also be brought against them due to their sexual orientation or gender identity.

In January the president announced that he was prepared to treat the rights of LGBTI individuals as human rights. Nevertheless, the government did very little after the announcement to advance legislative protection for LGBTI persons.

### **HIV and AIDS Social Stigma**

In the most recent demographic and health survey (2009), 45 percent of women and 38 percent of men reported discriminatory attitudes towards those with HIV. The government reported that stigma and discrimination towards persons with HIV/AIDS were prevalent in the workplace and health-care facilities.

## **Section 7. Worker Rights**

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

The law provides for the right of association and allows workers to form and join trade unions, bargain collectively, and conduct legal strikes. The law bars military and paramilitary members from forming a union or associating with any

established union. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers fired for union activity. The labor laws cover all categories of employees, including foreign migrant workers.

The Ministry of Social Protection is required to certify all collective bargaining agreements, and there were no reports it refused to certify any agreements. Individual unions directly negotiate collective bargaining status.

The government may declare strikes illegal if the union leadership does not approve them 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 State's Department of the Public Service and leave a skeleton staff in place. The International Labor Organization noted that not all sectors deemed essential by the government were considered essential under international definitions, including the services provided by the Transport and Harbors Department and the National Drainage and Irrigation Board. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

The government occasionally enforced applicable laws but did not do so effectively. Penalties for violation of labor laws were small fines, ranging from 6,000 GYD (\$30) to 46,000 GYD (\$230). Such penalties frequently were not imposed and were insufficient to deter violations. Administrative and judicial proceedings regarding violations often were subject to lengthy delays and appeals.

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.

## **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. Resources to inspect and monitor labor conditions were inadequate. Penalties for forced labor under trafficking-in-persons laws include forfeiture of property gained as a result of the forced labor, restitution to the victim, and imprisonment for three to five years. Administrative labor law penalties are small monetary fines, deemed insufficient to deter violations and rarely enforced.

Country experts reported that forced and compulsory labor occurred in the gold mining, agriculture, and forestry sectors, in addition to domestic servitude. Children were particularly vulnerable to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits the employment of children younger than 15 years old, 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. Exceptions are for those ages 16 and 17 years 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 hazardous to their health or safety.

The government did not enforce existing laws effectively. The Ministry of Social Protection (new name of former Ministry of Human Services and Social Protection) collaborated with the Ministry of Education, Geology and Mines Commission, Guyana Forestry Commission, National Insurance Scheme, and GPF to enforce child labor laws. The court can issue a fine of 10,000 GYD (\$50) for the first violation of laws regarding child labor and 15,000 GYD (\$75) for subsequent offenses. As of 2013, the latest year for available data, authorities had not assessed fines or penalties, nor had they charged 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. NGOs reported incidences 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, including mercury.



Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination with respect to employment and occupation based on race, sex, gender, disability, language, social status, and national origin or citizenship. The government did not effectively enforce the law. The law does not prohibit discrimination based on sexual orientation or gender identity.

Discrimination in employment and occupation occurred with respect to women and to persons based on their sexual orientation or gender identity (see section 6).

Newspapers frequently carried advertisements asking gender-specific or age-specific applicants to fill positions in the retail, cosmetology, or security sectors.

#### **e. Acceptable Conditions of Work**

Minimum wages for regular working hours of all full-time, private-sector employees are set nationally for hourly, daily, weekly, and monthly workers at no less than 202 GYD (\$1) per hour, 1,616 GYD (\$8) per day, 8,080 GYD (\$40) per week, or 35,000 GYD (\$175) per month. The national minimum wage for regular working hours of full-time, public-sector employees was 55,000 GYD (\$275) per month. A normal workweek is 40 hours distributed over no more than five days per week. The law prohibits compulsory overtime, and overtime work must be paid according to rates set in the law or according to any collective bargaining agreement in force where workers are unionized. The law provides for paid annual holidays and establishes workplace safety and health standards. These standards were current and appropriate for the country's main industries and were effectively enforced.

The law provides that some categories of workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities effectively protected employees in these situations.

The Ministry of Social Protection is charged with enforcement of labor law and had 18 inspectors as of 2015, the latest year for available data. Labor inspections carried out during the year targeted all sectors, including agriculture, mining, and construction, and identified occupational safety and health problems. Ministry follow-up of labor inspection findings varied, and compliance among employers

was also inconsistent. Penalties for violations ranged from 15,000 GYD (\$75) to 46,600 GYD (\$230) and generally were not sufficient to deter violations.

According to local trade unions and NGOs, enforcement of minimum wage legislation was not effective. Although specific data were unavailable, a significant number of workers were employed in the informal economy. Unorganized workers, particularly women in the informal sector, were often paid less than the minimum wage. Local trade unions and NGOs also reported that the Ministry of Social Protection did not adequately enforce occupational safety and health legislation and that resources were insufficient. In 2013, the latest year for available data, the ministry reported 486 workplace accidents, of which 10 were fatal, including five in manufacturing and three in the bauxite sector.