



U.S. DEPARTMENT of STATE

Guyana

Country Reports on Human Rights Practices - [2007](#)

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The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 750,000. Bharrat Jagdeo has served as president since 1999 and was reelected to a second full term in August 2006 elections considered generally free and fair by international observers. President Jagdeo's People's Progressive Party Civic (PPP/C) has been the majority party in Parliament since 1992. The civilian authorities generally maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, there were problems in some areas. The most significant reported abuses included potentially unlawful killings by police, mistreatment of suspects and detainees by the security forces, poor prison and jail conditions, lengthy pretrial detention, government corruption, sexual and domestic violence against women and children, and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that police continued to commit unlawful killings. Reported police killings dropped to nine, compared with 20 the previous year. From these nine cases, the Police Complaints Authority (PCA) received five complaints of unlawful killings. In most cases the police shot the victims while attempting to make an arrest or while a crime was being committed. The constitution broadly defines justifiable use of lethal force.

On February 26, off-duty police officer Clement Bailey, using his police-issued firearm, shot and killed a young barber, Clifton Garraway, during an altercation outside a Georgetown nightclub. On March 7, Bailey was charged with murder and remanded to custody; his trial remained pending at year's end.

On September 4, Buxton resident Donna Herod was shot and killed while walking on a public street in the vicinity of an active police operation. The police claimed she had been shot by the criminals whom its officers had been pursuing. On November 12, the chairman of the PCA delivered his report on the killing to the Directorate of Public Prosecutions (DPP), recommending that a formal inquest be performed, and further action was pending at year's end.

On September 10, a magistrate cleared policeman Mohanlall Persaud of manslaughter charges for the April 2006 killing of minibus driver Orin Adams.

On January 6, authorities charged one suspect with kidnapping and murder in the 2006 killing of Minister of Agriculture Satyadeow Sawh. On October 30, police captured a second suspect and killed a third during a raid; five other suspects remained at large.

On August 3, police officer Orville Tucker was ordered to stand trial on manslaughter charges for the 2005 killing of Carl Abrams; Tucker was originally charged with murder, but the magistrate handling the case downgraded the charges after completion of the preliminary inquiry.

A preliminary inquiry continued into the manslaughter charges against police officer Kurt Anton for the 2005 killing of Eon Forester.

There were no other developments in the allegations of police killings in previous years, including the 2006 cases of

Bemaul Harrinarine, Kelvin Nero, or James Bennet.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits torture, and although there were no confirmed reports of its use, numerous allegations circulated of police abuse of suspects and detainees. In December the Guyana Defense Force (GDF) was accused of physically abusing two of its own soldiers during an interrogation related to the search for a missing weapon; the GDF promised a full investigation. Some senior officials in the government publicly dismissed all such abuse allegations, despite physical evidence that appeared to corroborate some of the claims. During the year the PCA received 39 complaints of unlawful arrest and 11 complaints of unnecessary use of violence.

In the 2005 case of alleged sexual abuse by staff members of a former female inmate at the New Opportunity Corps (NOC), a correctional facility for juveniles, the trial of three former employees continued at year's end.

Prison and Detention Center Conditions

Prison and jail conditions were poor, particularly in police holding cells. Capacity and resource constraints were a problem. The Prison Authority reported that there were 2,180 prisoners in five facilities, more than half of whom were in Georgetown's Camp Street Prison, which was designed to hold 500 inmates but held approximately 1,140 during the year. Overcrowding was in large part due to backlogs of pretrial detainees.

A team investigating conditions for female pretrial detainees at Berbice Prison concluded its work and submitted its recommendations to the director of the prison service, who accepted them and made several remedial changes.

Conditions in the country's four smaller prisons generally were adequate. Some prison officers received basic medical training, but no doctor regularly visited any of the prisons.

All newly hired prison guards received human rights training from the GHRA, which did not consider mistreatment of prisoners a problem in the prison system.

Although sanitary and medical conditions in police holding facilities varied, overall these conditions were worse than those in the prisons. Some jails were bare, overcrowded, and damp. Few had beds, washbasins, furniture, or utensils. Meals normally were inadequate; friends and relatives routinely had to bring detainees food and water. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial action on their cases.

Juvenile offenders ages 16 and older were held with the adult prison population. Juvenile offenders ages 15 and younger were held in the NOC, which offered primary education, vocational training, and basic medical care. Problems at the NOC included lax security and understaffing. There were complaints that juvenile runaways, or those out of their guardians' care, were placed with juveniles who had committed crimes, with the result that some petty offenders became involved in more serious criminal activity.

Since there were no facilities in Georgetown to hold female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 105 female inmates in the women's prison located in New Amsterdam. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held with adult female pretrial detainees.

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

The government permitted independent monitoring of prison conditions, but there were no known requests by human rights organizations to conduct such monitoring during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Guyana Police Force (GPF), which is headed by the commissioner of police and overseen by the minister of home affairs, employed approximately 2,900 officers and is responsible for maintaining internal security. The GPF is responsible for defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GPF, headed by the chief of staff, consisted of approximately 2,500 troops; it falls under the purview of the Defense Board, which the president chairs.

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

Substantial staff shortages (only four of eight full-time positions were filled) and the lack of its own investigative unit obstructed the PCA's fulfillment of its mandate to conduct impartial and transparent assessments of the accusations it receives. By law the police commissioner must comply with the PCA's recommendation on complaints, but the PCA relied on the GPF to conduct investigations into complaints against its own officers. Long delays in getting reports from the commissioner of police also thwarted the complaints process.

During the year the PCA received 191 written complaints, of which five involved police killings. The remaining complaints were mostly for police neglecting their duties or misbehaving in public places, unlawful arrest, wrongful seizure of firearms or motor vehicles, corrupt transactions, and unnecessary use of force. Investigation into the complaints led to four recommendations of criminal charges and 27 recommendations of disciplinary action against police officers.

The GPF mandates a one-week human rights course, provided by the GHRA, in its recruit-training program.

Arrest and Detention

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

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

Lengthy pretrial detention, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures, remained a problem. Pretrial detainees constituted approximately one-third of the prison population, and the average length of pretrial detention was four months for those awaiting trial at the magistrate's court and 18 months for those awaiting trial at the High Court.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. In contrast with 2006, there were no credible allegations of governmental judicial intervention.

Delays and inefficiencies undermined judicial due process. Delays in judicial proceedings were caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional allegations of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. The delays resulted in a backlog of more than 19,000 cases.

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

The Judicial Services Commission (JSC) has the authority to appoint judges, determine tenure, and appoint the DPP director and his or her deputy. The president, on the advice of the JSC, may temporarily appoint judges to sit in magistrates' courts and on the High Court. At year's end three of 13 High Court judges, as well as the chancellor of the judiciary, were serving in an acting capacity.

Trial Procedures

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

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

Political Prisoners and Detainees

The government did not detain persons on political grounds. On August 27, President Jagdeo granted a pardon to Mark Benschop, a talk show host arrested on charges of treason in 2002, whom his supporters had considered to be a political detainee.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision in practice. The magistrates' courts deal with both criminal and civil matters. Delays, inefficiencies, and corruption in the magistrate court system affected the ability of citizens to seek timely remedy in civil matters, and there was a large backlog of civil cases.

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

While the law prohibits such actions, and law enforcement officials generally respected these prohibitions, there were reports that police officers searched homes without warrants, particularly in the village of Buxton, a criminal enclave, and in neighborhoods where narcotics trafficking was suspected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In October the *Stabroek News* launched a public campaign against the government's decision to cease placement of government advertising in the *News*. Its editors asserted that the government took the step as retribution for its consistent criticism of the government and that it used advertising revenue as a means to constrain press freedom. The government countered that it made the decision for purely financial reasons, citing anecdotal evidence of wider readership for the *Kaieteur News*. The special rapporteur for press freedom of the Inter-American Human Rights Commission (IAHRC) and other outside observers expressed concern over the government's refusal to reconsider its decision, negotiate an amicable settlement, or release documentation that better explained its position. In its December 18 formal response to the special rapporteur, the government reasserted its earlier arguments but proffered no new information.

Continued government limits on licensing of new radio stations constrained the broadcast media. The government owned and operated two radio stations broadcasting on several frequencies, which were the only media that reached the entire country. Private interests and the political opposition continued to criticize the government for its failure to approve longstanding requests for private radio frequency authorizations.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

Some GDF commanders reportedly required attendance at Christian religious services.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The Amerindian Act requires that the local village council grant permission for travel to Amerindian areas. In practice most persons traveled throughout these areas without a permit.

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

Protection of Refugees

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

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair national elections based on universal suffrage. Local elections, however, have not been carried out since 1994 and were a decade overdue. Political parties operated without restrictions or outside interference.

Elections and Political Participation

The most recent elections took place on August 28, 2006, when citizens voted in a generally free election to keep the PPP/C government in office. Incumbent 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 of the election and declared it substantially free and fair, although ruling party use of government resources during the campaign disadvantaged opposition parties.

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

Local government elections, due every three years, were last held in 1994.

The constitution requires that one-third of each party list of candidates be female but does not require the parties to select

women for seats. There were 21 women in the 65-seat National Assembly. Five of 21 cabinet ministers were women.

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

Government Corruption and Transparency

The law provides for criminal penalties for official corruption; however the government did not implement the law effectively. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem. There was a widespread public perception of serious corruption in the government, including law enforcement and the judicial system. Low-wage public servants were easy targets for bribery.

Public officials are subject to financial disclosure laws and are required to submit information about personal assets to the Integrity Commission, but compliance was uneven and the Commission has no resources for enforcement or investigations.

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

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

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and incest are illegal but were neither frequently reported nor prosecuted; spousal rape is not illegal, which contributed to an atmosphere where victims were often reluctant to report incidents. If a case does come to trial, a judge has discretion to issue a sentence of any length in a rape conviction, depending upon the circumstances and severity of the act committed. The established trend appeared to be a sentence of five to 10 years in prison. During the year there were 17 criminal prosecutions and seven convictions of individuals charged with rape.

Violence against women, including domestic violence, was widespread and crossed racial and socioeconomic lines. The law prohibits domestic violence, gives women the right to seek prompt protection, and allows victims to seek protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines up to \$54 (G\$10,000) and 12 months' imprisonment; however, this legislation frequently was not enforced.

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

NGOs reported a perception that some police officers and magistrates could be bribed to make cases of domestic violence "go away." The government also did not prosecute cases in which the alleged victim or victim's family agreed to drop the case in exchange for a monetary payment out of court. NGOs asserted the need for a specialized family court.

During the year Help and Shelter handled 739 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 538 of the cases involved spousal abuse directed against women. Help and Shelter, which received funding from both private donors and the government, ran a free shelter for victims of domestic violence and operated a hot line to counsel victims.

Prostitution is illegal but present. It continued to receive greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased prevalence of trafficking in persons.

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

The law prohibits discrimination based on gender, but there was no legal protection against such discrimination in the workplace. Although women constituted a significant proportion of the workforce, there were credible reports that they were not equally treated and faced disadvantages in promotion. Job vacancy notices routinely specified that the employer sought only male or only female applicants. The Women's Affairs Bureau of the Ministry of Labor monitored the legal rights of women, but its role was limited to employment-related services. The bureau also held seminars on leadership and gender equity issues for women throughout the country. The constitution provides for a Women and Gender Equality Commission, but implementing legislation had not been passed.

The law protects women's property rights in common-law marriages. It entitles a woman who separates or divorces to one-half the couple's property if she had been working and one-third of the property if she had not been employed.

Children

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

Public education is available to age 20. Education is compulsory until age 15, universal, and free through secondary school. Children often did not attend school because their families needed them to contribute to the household by working or providing child care to siblings or younger relatives. The law provides penalties for parents who do not send their children to school, but these did not represent a meaningful deterrent. According to the Ministry of Education, 84 percent of children completed primary school, and approximately 48 percent completed secondary school. Schools suffered from high attrition rates of trained and experienced teachers, gross understaffing with a high proportion of untrained and underqualified teachers, and very poor infrastructure.

Boys and girls have equal access to state-provided medical care.

Reports of physical and sexual abuse of children were common. During the year Help and Shelter handled 143 cases of child abuse and an additional 41 cases of rape in which the victim was 17 years of age or younger. It was unclear how many deaths from child abuse took place; law enforcement officials and NGOs believed that the vast majority of child rape and criminal child abuse cases were not reported. As with cases of domestic abuse, NGOs noted reports that some police officers and magistrates could be bribed to make cases of child abuse "go away."

The age of sexual consent is 16. Under the law anyone who has carnal knowledge of a girl under 16 can be found guilty of a felony and imprisoned for life. There were reports of child prostitution.

Trafficking in Persons

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

The country was a source and destination for trafficked women, children, and men; however, most trafficking in persons occurred internally and involved young women and girls trafficked for purposes of commercial sexual exploitation and involuntary domestic servitude. In some instances victims were forcibly abducted. Trafficking reportedly took place in the interior, where there was little government oversight and law enforcement was lacking. Some women trafficked into the country came from the northern regions of neighboring Brazil. A smaller number of women were trafficked into the country's sex trade. The victims were provided with barracks-style housing with cramped quarters and sometimes were locked inside. They were restrained through debt bondage, intimidation, and physical abuse. Most victims were exposed to the same health risks as women in prostitution and other victims of sexual exploitation, including sexually transmitted diseases such as HIV/AIDS. Girls and young women were trafficked for purposes of sexual exploitation to neighboring countries, including Suriname and Barbados.

Most traffickers were believed to be individual business persons or small groups of miners.

The trafficking case against two women charged in March 2006 with forcing a 12-year-old girl into sexual slavery remained pending at year's end.

Although there were no convictions under the Trafficking in Persons Act during the year, as of November the government had begun proceedings in six trafficking cases. The country's slow judicial process contributed to the lack of progress in convicting traffickers. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions

prolonged cases. There is a National Plan of Action to combat human trafficking, and the minister for human services and social security monitored enforcement.

There was no evidence that government officials or institutions participated in or condoned human trafficking, although one pending trafficking case involved a policeman.

Victims identified by the government were removed from the traffickers' custody and provided passage back to their homes. There were no reports of societal discrimination against trafficking victims. The government also worked closely with, and provided some financial support for, the NGOs Help and Shelter and Red Thread, which assisted two trafficking victims during the year. The government provided medical attention, housing, and funds to return victims to their home countries.

In November the Human Services and Social Security Ministry embarked on an antitrafficking educational and awareness campaign in the interior of the country.

Persons with Disabilities

The constitution mandates the state to "take legislative and other measures designed to protect disadvantaged persons and persons with disabilities"; however, there is no legislation allowing such persons to contest discriminatory acts. There is no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities made it very difficult for persons with disabilities to be employed outside their homes. A few independent organizations dealing with specific disabilities existed, such as the National Commission on Disabilities and a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities throughout the year.

National/Racial/Ethnic Minorities

Racial and ethnic tensions manifested during the 2006 election campaign diminished. The Ethnic Relations Commission resolved 50 cases involving complaints of discrimination against members of racial or ethnic minorities.

Indigenous People

According to the 2002 census, the indigenous population constituted 9 percent of the population. There were nine tribal groups, and 90 percent of indigenous communities were located in the remote interior. Their standard of living was lower than that of most citizens, and they had limited ability to participate in decisions affecting their lands, cultures, traditions, and allocation of natural resources. Indigenous communities had limited access to education and health care; there was no information on the effectiveness of government efforts to improve these services. All indigenous communities had primary schools, and there were 10 secondary schools in the hinterland regions. The secondary schools had dormitories that housed approximately 1,400 students at the government's expense. The government also offered scholarships for indigenous children to attend secondary school in Georgetown, and approximately 360 students were enrolled in the scholarship program. The government funded approximately 200 students to attend technical institutions in Georgetown and provided 80 scholarships for indigenous students to attend the University of Guyana. The government established programs to train health workers and established rudimentary health facilities in most communities.

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

Land rights were a major issue for the indigenous population, who complained that the government allocated land (to mining and logging interests as well as for environmentally protected reserves) without proper consultations with them. The indigenous communities often viewed these allocations as illegitimate seizure of "their" lands and alleged that consultations on development in the interior did not provide adequate time for feedback. However, the government also continued its program of granting full title to indigenous communities around the country for land the communities already occupy; in January the government granted such title for almost 29,000 square miles to five indigenous communities.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions, and workers exercised this right in practice. However, the constitution also specifically bars GPF members from unionizing or associating with any established union. Approximately 20 percent of the work force was unionized.

The law prohibits antiunion discrimination by employers; however, some unions alleged antiunion discrimination by the government.

b. The Right to Organize and Bargain Collectively

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

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, such practices reportedly occurred. Young Amerindian men were reportedly exploited under forced labor conditions in timber camps.

d. Prohibition of Child Labor and Minimum Age for Employment

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

According to a 1999-2005 UN Children's Fund (UNICEF) survey (the most recent available), 19 percent of children between the ages of five and 14 were economically active. According to a 2001 UNICEF survey, approximately 45 percent of children in the interior regions worked. The survey estimated that 3 percent of the children were involved in commercial sexual activity.

Some children performed hazardous work in the mining, logging, farming, fishing, and manufacturing industries. The government cooperated with international donors to administer a program to combat these worst forms of child labor.

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

e. Acceptable Conditions of Work

The minimum public sector wage was \$142 (G\$28,415) per month. There were minimum wages for certain categories of private sector workers, including retail cashiers and clerks, printers, drivers, and conductors, starting with a minimum of \$20 (G\$4,000) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal sector, often were paid less than what was required legally in the service sector. Laborers and untrained teachers at public schools also were paid less than the minimum wage. The legal minimum wage did not provide a decent standard of living for a worker and family.

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

The law also establishes workplace safety and health standards. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. Inadequate resources prevented the ministry from effectively carrying out this function. Workers could not

remove themselves from dangerous work situations without jeopardizing continued employment.

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