



U.S. DEPARTMENT of STATE

Guyana

Country Reports on Human Rights Practices - [2006](#)

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The Co-operative Republic of Guyana is a multiparty democracy with a population of approximately 750,000. On August 28, citizens voted in generally free national elections to reelect the People's Progressive Party Civic (PPP/C) and President Bharrat Jagdeo. The civilian authorities generally maintained effective control of the security forces.

The most significant reported human rights abuses included unlawful killings by police, police abuse of suspects, poor prison and jail conditions, lengthy pretrial detention, and warrantless searches. Inequitable use of government-controlled media resources compromised media freedom during the campaign for the August elections. There was a widespread perception of government corruption. Sexual abuse and domestic violence against women and children and discrimination against indigenous persons were pervasive; trafficking in persons remained a problem.

The August elections were the country's first nonviolent elections in nearly two decades.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

While there was no evidence that the government or its agents committed any politically motivated killings, the nongovernmental organization (NGO) Guyana Human Rights Association (GHRA) and the media asserted that police continued to commit unlawful killings. The Police Complaints Authority (PCA) received complaints of seven unlawful killings during the year. In most cases the police shot the victims while attempting to make an arrest or while a crime was being committed. Police seldom were prosecuted for unlawful killings. The constitution broadly defines justifiable use of lethal force.

On February 8, police fatally shot Bemaal Harrinarine. According to press reports, police officers shot Harrinarine at his residence while attempting to arrest him on robbery charges. Police reported that Harrinarine threatened officers with a machete. According to Harrinarine's family members, however, police shot him three times immediately after he opened the door to them and then retrieved a machete from the house to corroborate their story.

On April 9, minibus driver Orin Adams died after being taken to the Brickdam police station for a traffic offense. According to press reports, two officers hit Adams before taking him to the station. Adams was pronounced dead on arrival at Georgetown Public Hospital; a postmortem showed that he died as a result of a blow to the back of the neck. Authorities arrested two policemen in connection with the death. In May policeman Mohanlall Persaud was charged with manslaughter in the case and released on bail. His case remained pending at year's end.

On September 8, police fatally shot Kelvin Nero. The police maintained that Nero was wanted for murder and fled when ordered to surrender. Nero's relatives claimed that no warrant had been issued for his arrest. An eyewitness said that Nero was unarmed at the time of the shooting and reported that after Nero had been shot in the leg, an officer kicked him and ordered him to get up before dragging him to a police vehicle. He died while being taken to the hospital.

On October 26, police shot and killed James Bennet. According to press reports, police fired warning shots before pursuing Bennet and several other persons suspected of dealing in cocaine. Eyewitnesses reported that a police officer shot Bennet as he was running away and then shot again after he fell down incapacitated. According to the police, the second shot was accidentally discharged when the pursuing officer also fell to the ground. Bennet died before receiving medical attention.

There were no developments in the allegations of police killings in previous years, including the 2005 cases of Simeon Hope, Eon Forrester, Dwight McKenzie, Eon Alleyn, and Carl Abrams.

On April 22, masked gunmen armed with AK-47s forced their way into Minister of Agriculture Satyadeow Sawh's home and killed him, along with two relatives and a security guard. While the gunmen also stole some cash and jewelry, authorities did not believe that robbery was the motivation for the attack. In several instances during the following months, men wanted for questioning in relation to the Sawh killing were shot and killed by police during pursuit or arrest. The case remained open at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits torture, and there were no reports of its use, allegations of police abuse of suspects continued. As of October the PCA received 47 complaints of unlawful arrest and by year's end had received 22 complaints of unnecessary use of violence.

According to the GHRA, high levels of violent crime and pressure on the Guyana Police Force (GPF) to deliver results contributed to an upsurge in police misconduct.

In September masked men, some wearing camouflage gear, allegedly forced Buxton residents Troy Freeman, Wendrick Providence, and Kester October into vehicles; the men claimed that they were held for three days in a room, interrogated, and threatened with torture before being handed over to the police. Speaking with the independent *Stabroek News* in October, Acting Police Commissioner Henry Greene did not confirm or deny police involvement; however, he stated that as a security tactic, police could wear masks while carrying out certain arrests.

In the May 2005 case of alleged sexual abuse by staff members of a former female inmate at the New Opportunity Corps (NOC), a correctional facility for juvenile delinquents, the trial of three former employees was underway.

Prison and Detention Center Conditions

Prison and jail conditions were poor, particularly in police holding cells. The GHRA stated that while the Prison Authority was committed to creating a humane and professional prison service, capacity and resource constraints were a problem. The Prison Authority reported that there were 1,724 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 900 during the year. Overcrowding was in large part due to backlogs of pretrial detainees. Despite efforts by the Prison Authority and the judiciary to reduce the numbers of pretrial detainees, the GHRA noted that the pretrial detainee population increased.

In August there was violent unrest at the Camp Street Prison. Prisoners climbed onto the roof and set fire to mattresses to protest substandard food, inadequate bedding materials, lack of access to sufficient water for bathing, and lengthy delays in their cases. Prison guards fired warning shots and sprayed teargas to break up the protest. Home Affairs Minister Gail Teixeira eventually brokered a deal with the prisoners allowing them to return to their cells, providing new mattresses, and promising better food.

In September the nongovernmental organization (NGO) Guyanese Women in Development helped a group of female pretrial detainees at the Berbice prison obtain an audience at the New Amsterdam Magistrate's Court to air their complaints about detention conditions. The women complained that, unlike male prisoners, they were forced to do heavy chores despite having medical conditions. The women said that their requests for medical attention had been denied and complained about substandard food. They reported that food items delivered by relatives were often taken away, forcing them to supplement their rations from an expensive prison-run food shop. Dale Erskine, director of prisons, sent a team to the prison to investigate and submit recommendations to the director.

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. The prison system faced staffing constraints and lack of resources. However, attempts were made to give all prison officers human rights training, and the senior level management of the Prison Service made serious efforts to combat cruel, inhuman, or degrading treatment in the prisons. The GHRA 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. Cells rarely had sanitary facilities, and staff members sometimes escorted inmates outside the cells to use holes in the floor for toilets. Inmates generally slept on a thin pallet on the concrete floor. Ventilation and lighting were often inadequate. Although precinct jails were intended to serve only as pretrial holding areas, some suspects were detained there as long as two years, awaiting judicial system action on their cases.

On June 20, police found Sean Andrews dead in the Sparendaam Police Station lockup. Relatives had brought Andrews, who was mentally ill, to the police on June 18 after he became violent at home. Police stated that Andrews was placed in the lockup while the documents necessary for admitting him to hospital observation were obtained and that they suspected Andrews had hit his head against the lockup walls. The press reported that a postmortem examination revealed injuries suggesting Andrews may have been beaten.

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 originally was conceived as a training and rehabilitation facility rather than as a juvenile detention center. 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. According to the Director of Public Prosecutions (DPP), a separate, secure facility for juveniles who had committed more serious offenses was needed to correct this problem. The DPP also noted the need for better rehabilitation and education programs at the NOC. The NOC facility had multiple problems including staffing capacity, capabilities, and lack of effective security.

Since there were no facilities in Georgetown to house female offenders ages 16 and over, women awaiting trial were held in the same facilities as men. The Prison Authority reported that there were 60 female inmates in the women's prison located in New Amsterdam. The GHRA reported that the large number of female prisoners incarcerated on drug charges caused overcrowding in the facility. Due to inadequate facilities, juvenile female pretrial detainees were sometimes held together with adult female pretrial detainees.

In September the Prison Service launched a restructuring of the prisoner rehabilitation program to offer more skills training to inmates. According to the GHRA, rehabilitation 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 GPF, which is headed by the commissioner of police and overseen by the minister of home affairs, maintains internal security. The Guyana Defense Force (GDF) is responsible for defending the country's territorial integrity, assisting civil authorities to maintain law and order, and contributing to economic development. The GDF consists of approximately 2,500 troops and is headed by the chief of staff. The GDF 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 magistrate's courts, where specially trained police officers served as the prosecutors.

According to the GHRA, the PCA's effectiveness, especially in making field visits to outlying regions, steadily improved despite staff shortages. After the PCA receives and investigates a complaint, it sends a report and relevant statements to the chairman and a two-person panel for review. By law the police commissioner must comply with the PCA's recommendation on complaints. The PCA currently relies on the GPF to conduct investigations into complaints against its own officers. According to the chairman, long delays in getting reports from the commissioner of police significantly hampered the complaints process.

The PCA received 257 written complaints during the year, of which seven involved police killings. The remaining 250 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 three recommendations of criminal charges and 31 recommendations of disciplinary action against police officers. At year's end 97 reports remained outstanding, and the other 160 complaints had been investigated and dealt with by the police force or rejected by the PCA.

The GPF includes a basic human rights course in its recruit-training program. In April the GHRA presented the GPF with a human rights training manual, Human Rights in Policing.

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, as well as access 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, despite the chief justice's efforts to have the courts deal more quickly with inmates on remand. Pretrial detainees made up 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

Although the law provides for an independent judiciary and the government generally respected this provision in practice, some law enforcement officials, prominent lawyers, and others accused the government of occasional judicial intervention. NGOs described a general perception that the executive influenced the judiciary and that corruption existed at the magistrate level.

Delays and inefficiencies in the judicial process undermined due process. Delays in judicial proceeding 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

14,000 cases.

While the courts made some attempt to deal with the backlog, including working overtime hours, encouraging the use of mediation on a voluntary basis, and opening a specialized Commercial Court on June 21, the backlog remained severe. Some judges did not deliver written decisions on completed cases in a timely manner, further adding to the backlog.

The court system is composed of several magistrate's courts, the High Court, and the Court of Appeals. There is also the right of final appeal to the Caribbean Court of Justice. The magistrate's courts deal with both criminal and civil matters. Specially trained police officers serve as prosecutors in lower magistrate's 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 and his or her deputy. The president, on the advice of the JSC, may temporarily appoint judges to sit in magistrate's courts and on the High Court. At year's end five of 14 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 magistrate's 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. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts had a limited effect.

The law recognizes the right to legal counsel; however, excepting 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, although supporters of Mark Benschop, a talk show host arrested on charges of treason in 2002, considered him to be a political detainee. In December 2005 Benschop sued the attorney general over his continued incarceration without bail and the High Court's delay in hearing his case a second time. Benschop's mother and political supporters made several appeals to the local press urging that a near date be named for his retrial, which was pending at year's end.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision in practice. The magistrate's 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 waiting to be heard.

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

While the law prohibits such actions, authorities sometimes infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, 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. The government generally respected these rights in practice; however, there were some exceptions. Inequitable use of government-controlled media resources was a problem, especially during the months leading up to the August 28 national elections.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely. The government's daily newspaper, the Guyana Chronicle, which typically displayed a progovernment bias, covered a broad spectrum of political and nongovernmental groups.

In September authorities charged local television station owner Anthony Veira with contempt of court for airing a political commentary that the government characterized as containing "statements and comments which tend to bring the authority and administration of the law in Guyana into disrepute and disregard and to scandalize the court." The case was pending at year's end.

Government limits on licensing and expansion sharply constrained the broadcast media. The government owned and operated two radio stations broadcasting on several frequencies, which are the only media that reach the entire country. A third station, Radio Paiwomak,

operated under the license of the government-operated National Communications Network as a community radio station with a limited broadcast area in the hinterland Rupununi region. Private interests and the political opposition continued to criticize the government for its failure to approve long-standing requests for private radio frequency authorizations.

In August there were reports that an unlicensed radio station broadcast music and opposition political advertisements in Region Ten for three weeks leading up to the national elections. The head of the Presidential Secretariat called these illegal broadcasts a "threat to national security."

Equitable access to the state media remained a contentious issue between the government and opposition parties and grew more heated during the run-up to the national elections. In the month before polling day, the government-run television and radio stations tripled the cost for political advertisements, effectively denying access to less well-funded opposition parties. After international observers intervened, the rates were reduced to match the fees charged during the 1997 campaign, still nearly double the regular advertising rates.

Two independent groups monitored the media during the election campaign. The Independent Media Monitoring Unit (MMU) monitored and rated the pre-election coverage of radio, television, and print, while the Independent Refereeing Panel assessed compliance with the Media Code of Conduct voluntarily signed by media outlets in January. Both groups noted numerous incidents of unbalanced or biased coverage, including unfair use of state-controlled media by the ruling party, such as the airing of pro-party documentaries. The ruling party received 64 percent of positive political coverage on the state-owned National Communications Network television channel, with nine opposition parties sharing the remaining positive coverage. The MMU made several final recommendations in its report, including the passage of a Freedom of Information Act, better regulations for paid political advertisements, and the liberalization of radio licenses.

In August four pressroom workers were killed execution-style at the independent Kaieteur News. No evidence suggested that the murders were related to Kaieteur News' reporting.

There were no developments in the 2005 Guyflag prior restraint case against Stabroek News.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by electronic 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 law provides for freedom of religion, and the government generally respected this right in practice.

While the government recognizes religious groups of all faiths, churches must register with the government to be formally recognized. Foreign religious groups seeking to establish operations require permission from the Ministry of Home Affairs before commencing their activities.

Some GDF commanders required attendance at Christian religious services, and the GDF made no allowances for Hindu dietary preferences or Muslim observance of Friday as a holy day.

Under a March revision of the Amerindian Act, religious groups seeking access to Amerindian villages do not need special permission from the minister of Amerindian affairs, but like all travelers, do need to obtain permission from the local village council before entering village lands.

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 [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the government generally respected them in practice.

A revision of the Amerindian Act requires that the local village council grant permission for travel to Amerindian areas. Previously, governmental permission had been required. 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 to protect refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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 elections based on universal suffrage. There is a multiparty political system based on proportional representation, and the party that wins the most votes for parliament wins the presidency. Rather than voting for individual candidates, voters endorse one party's list of candidates. After the election the party leadership determines which of the listed candidates will fill any seats it wins. The president appoints a cabinet and prime minister who, with the president, exercise executive power.

Elections and Political Participation

On August 28, citizens voted in a generally free election to keep the PPP/C government in office. Incumbent Bharrat Jagdeo remained the PPP/C's presidential candidate and was re-elected 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.

However, ruling party use of government resources during the campaign disadvantaged opposition parties. According to reports by independent monitoring groups, the government used its radio monopoly and control over state television stations to air coverage casting the government and ruling party in a favorable light. Some opposition parties and politicians reported that their tax records had been singled out for scrutiny during the pre-election period.

In November the Alliance for Change (AFC) party filed an election petition claiming that incorrect counting of the votes in Region Ten had wrongly awarded a seat to the ruling PPP/C that should have gone to the AFC. The leader of the Justice for All Party also claimed that counting mistakes had cost his party a parliamentary seat. In late December the Electoral Assistance Bureau, a local observer group, released an audit of Region Ten results that supported the AFC's claim. Also in December, an Elections Commission official told accredited international election observers that the claims of both political parties had merit.

The composition and verification of the official list of electors was a source of controversy during the campaign. The constitution and laws do not clearly delineate who is entitled to vote, creating ground for confusion and disagreement. No complete, up-to-date compilation of electoral laws was publicly available.

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 any women for seats. There were 20 women in the 65-seat National Assembly. Five of 22 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. Over 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

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.

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

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 widespread 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.

Domestic violence was a problem in all regions of the country. Enforcement of the domestic violence laws was especially weak in the interior, where police did not have as strong a presence and courts met only once a quarter.

Between January and September, Help and Shelter handled 414 abuse cases, including child, spousal, nonspousal, and other domestic abuse; 297 of the cases involved spousal abuse directed against women. Help and Shelter, which received private donor and some government funding, ran a free shelter for victims of domestic violence and operated a hot line to counsel victims.

NGOs ran public service announcements and trained police officers, teachers, nurses, agricultural workers, religious groups, and health clinics to sensitize them to domestic violence. Domestic violence training was part of the curriculum of the Police Training College. There is a Task Force on Violence against Women whose membership included representatives from NGOs, law enforcement, the health community, and youth. The Task Force gathered data in preparation for drafting a national policy on domestic violence.

Although rape and incest, including spousal rape, is illegal, it was a serious but infrequently reported or prosecuted problem. While increasing numbers of victims reported these crimes to the authorities, victims were socially stigmatized. 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.

By the end of September, the police reported 87 rape charges; however, the actual number was likely much higher because victims were reluctant to file charges or report cases. Statistics showed that in more than 70 percent of sexual assault cases, the victim was under the age of 18. According to a study released by the GHRA, there were only nine convictions from 647 rape reports for the period 2000-04. The study described "unreconstructed chauvinism" of the country's legal culture as a major obstacle in delivering justice for victims.

Lack of sensitivity for victims of sexual abuse and domestic violence and tolerance for perpetrators of abuse reached to all levels of society. In July Minister of Human Services and Social Security Bibi Shadick reacted to press reports of an alleged pornography ring blackmailing or drugging young girls and forcing them to appear in pornographic videos with the observation that based on her examination of two photographs of the incidents, the activities appeared to represent "consensual sexual activity." Several prominent figures in politics and society retained their status despite widely circulating rumors of their past histories of sexual abuses and domestic violence against women.

Prostitution is illegal but widespread. It received greater public attention due to the high incidence of HIV/AIDS among prostitutes and increased prevalence of trafficking in persons (see section 5, Trafficking).

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 according to the Office of the Director of Public Prosecutions, 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. The courts may overturn a husband's will if it does not provide for his wife, so long as she was dependent on him financially.

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.

Reports of physical and sexual abuse of children were common. Between January and September, Help and Shelter handled 75 cases of child abuse and an additional 24 cases of rape where 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, according to NGOs there were reports that some police officers and magistrates could be bribed to make cases of child abuse "go away." The government did not further pursue cases in which the alleged victim or victim's family agreed to drop the case in exchange for a monetary payment out of court. The age of criminal responsibility is 10, although children usually were not prosecuted as adults, and offenders were sent to the NOC (see section 1.c.).

In October Minister of Human Services and Social Security Priya Manickchand launched the Child Protection Agency (CPA), partially funded by the UN Children's Fund (UNICEF). The CPA took over child protection functions from Probation and Family Welfare Services, whose social workers did not specialize primarily in child welfare issues. Child protection services outside of Georgetown were limited, but the government endeavored to put social workers in every region.

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 (see section 5, Trafficking).

Trafficking in Persons

The Combating of Trafficking in Persons Act 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. Trafficking reportedly took place in the interior, where there was little government oversight and law enforcement was lacking. Young Amerindian men were exploited under forced labor conditions in timber camps. Most trafficking originated in impoverished indigenous communities, although some victims came from the larger coastal cities. In some instances victims were forcibly abducted. 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. Reports indicated that trafficking victims were promised employment as highly paid domestic helpers, cooks, restaurant servers, and nude dancers. 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. There was no evidence that government officials or institutions participated in or condoned human trafficking. There were no reports of any cases of police corruption linked to human trafficking. Prosecution of human traffickers was more difficult in the interior, where infrequent court sessions prolonged cases.

In February shop owner Debbie Gaskin was charged with forcing a 13-year-old girl into prostitution and forced labor after bringing her to the North West District to work as a cleaner. In March Ann Smith was also charged in the case. Both cases were later dismissed.

In March five people were charged with forcing a runaway 12-year-old girl into sexual slavery. Michael Joseph, Tinelle Edwards, John Wills, Shemroy Marks, and Treon Rutherford allegedly paid to have sex with the girl, who was eventually taken to the police by relatives who discovered her whereabouts. At year's end cases against Wills, Edwards, and Joseph were pending.

In September Ramdai Narine was charged with harboring a 15-year-old girl "by means of a position of vulnerability for the purpose of exploitation." Narine pled not guilty and was released on bail.

The government continued to make progress in its efforts to combat trafficking in persons, although there were no convictions under the Trafficking in Persons Act during the year. The country's slow judicial process contributed to the lack of progress in convicting traffickers. In January the government released a review of its countertrafficking efforts from 2004-05 which acknowledged the need for improved policing and outreach efforts in rural communities. There is a National Plan of Action to combat human trafficking, and the deputy commissioner of police monitors enforcement.

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 that dealt with trafficking. The government provided medical attention, housing, and funds to return victims to their home countries.

In June six police officers and two employees from the Anti-Trafficking in Persons Unit within the Ministry of Human Services and Social Security participated in a two-week trafficking-in-persons training program in the Bahamas organized by the International Organization for Migration.

Persons with Disabilities

The constitution provides that "the state shall . . . 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. In March the National Commission on Disabilities (NCD) released the results of a survey of 1,500 persons with disabilities across four regions. Survey respondents reported facing significant obstacles in accessing employment, health care, education and training, and social outlets because of disability. Approximately 40 percent of respondents reported losing their employment as a result of incurring disabilities, and only 17 percent reported current employment. Of respondents under the age of 16, 42 percent reported never having attended school. A few independent organizations dealing with specific disabilities existed, such as a society for the visually impaired. The Open Door Center offered assistance and training to persons with disabilities and functioned throughout the year. In December a resource center equipped with specialty computers and other resources for the visually impaired and physically disabled opened at the NCD.

National/Racial/Ethnic/Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of many social and political organizations polarized society along ethnic lines, and discrimination and exclusion continued to occur. A few politicians and media personalities engaged in rhetorical and propaganda attacks that fueled racial tensions. The constitution charges the Ethnic Relations Commission (ERC) with investigating complaints of ethnic discrimination. The ERC actively received complaints, launched investigations, provided mediation, and engaged in public education on ethnic relations issues. As of November the ERC had received 62 complaints, with an additional 56 unresolved complaints held over from 2005. Working with a two-person investigative unit, the ERC had resolved 67 of these complaints, with 51 outstanding as of late November.

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 there were approximately 360 students enrolled in the scholarship program. The government funded an additional 273 students to attend technical institutions in Georgetown and provided 90 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.

A revised Amerindian Act was enacted on March 14, replacing the act in force since 1951. Many indigenous groups opposed the new act because of concerns over rights to land and resources, use of the term "Amerindian" rather than "Indigenous," the powers conferred upon the minister of Amerindian affairs, and the lack of autonomy given to community governing institutions. The revised act regulates indigenous life, including local governance. Indigenous villages elect a village council headed by a "Toshao," or head councillor. Persons wishing to enter indigenous lands must obtain permission from the local village council. Rules enacted by the village council require approval from the minister of Amerindian affairs before entering into force.

For the indigenous population, land rights were a major issue. Indigenous communities 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 complained that consultations on development in the interior did not provide adequate time for feedback. Indigenous groups also argued that by granting their communities title to certain lands, the government was able to take control of other lands previously understood to belong to their communities. During the campaign for the August 28 elections, some indigenous groups complained that many indigenous citizens lacked the basic identity documents, such as birth certificates, necessary for registering to vote.

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 25 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 utilized 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, there were reports that such practices occurred (see section 5).

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 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. Teenage prostitution was a problem (see section 5).

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 is \$109 (G\$22,480) 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 \$16 (G\$3,300) per week. Although enforcement mechanisms exist, it was difficult to put them into practice, and unorganized workers, particularly women and children in the informal private 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.