

GUYANA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Cooperative Republic of Guyana is a multiparty democracy. National and regional elections took place in March 2020, and the People's Progressive Party/Civic won both the presidency and a majority of representational seats. International and local observers considered the elections free and fair. The incumbent government at the time contested the results of the national elections, leading to a five-month electoral impasse that concluded with the swearing in of the People's Progressive Party/Civic government on August 2, 2020.

The police commissioner heads the Guyana Police Force, which reports to the Ministry of Home Affairs and is responsible for maintaining internal security. The Guyana Defense Force is responsible for external security but also has some domestic security responsibilities. The defense force, headed by a chief of staff, falls under the purview of the Defense Board, which the president of the country chairs. Civilian authorities maintained effective control over the security forces. There were reliable reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of unlawful or arbitrary killings, including extrajudicial killings; harsh prison conditions; and laws that criminalize consensual same-sex sexual conduct between adult men.

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

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. In May police shot and killed robbery suspect Peter Headley while he was being transported by police in a civilian vehicle to a police station.

According to police, Headley reached under the seat of the vehicle and pulled out what appeared to be a firearm, leading an armed police officer to shoot Headley, who died a short time later. The officers involved were placed under arrest. The Guyana Police Force's Office of Professional Responsibility and Police Complaints Authority investigated the matter, and as of October the Department of Public Prosecutions was reviewing the results of the investigation. In September the Guyana Police Force SWAT team shot and killed Orin Boston during a search of his home. Boston was unarmed. As of November, the Guyana Police Force's Office of Professional Responsibility was conducting an investigation into the incident.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices. There were allegations that prison officials mistreated inmates.

Prison and Detention Center Conditions

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

Physical Conditions: In September the Guyana Prison Service reported there were 1,914 prisoners in seven facilities with a combined design capacity of 1,505. Overcrowding was in large part due to a backlog of pretrial detainees, who constituted approximately 46 percent of the total prison population.

One death occurred because of injuries inflicted by other inmates.

In 2018 the government reported a study finding that prison officers physically abused prisoners and that prison conditions at Lusignan Prison were appalling and cells were unfit for human habitation. Prisoners reported unsanitary conditions and

a lack of potable water, and they also complained of lengthy confinement in their cells with limited opportunities for sunlight.

The adult prison population contained individuals 16 years of age and older. In most cases, however, offenders younger than 16 were held in a juvenile correctional center that offered primary education, vocational training, and basic medical care.

Administration: Authorities stated officers in charge of each prison location conducted weekly meetings with prisoners' Complaints Committees to hear concerns. Prisoners often circumvented procedures for submitting complaints of inhuman conditions or mistreatment by passing letters addressed to government officials through family members.

Independent Monitoring: The government permitted outside groups to monitor prison conditions independently.

Improvements: Expansion work at the Mazaruni Prison was completed to accommodate 220 additional prisoners. Expansions at Lusignan Prison were begun to accommodate 1,000 additional prisoners. To address overcrowding, a 2021 expansion of the prison included three additional dormitories, improved kitchen and dining areas, a rehabilitated well, and a farming area for prisoners to grow food and raise chickens.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

An arrest requires a warrant issued by a court official unless an officer who witnesses a crime believes there is good cause to suspect a crime or a breach of the peace has been or will be committed. The law stipulates that a person arrested cannot be held for more than 72 hours unless brought before a court to be charged. Authorities generally observed this requirement. Bail was generally available

except in cases of capital offenses and narcotics trafficking.

Although the law provides criminal detainees prompt access to a lawyer of their choice and to family members, authorities occasionally did not fully respect this right.

The state provides legal counsel for indigent persons only when such persons are charged with a capital offense. The Legal Aid Clinic, a nongovernmental organization (NGO), provides legal counsel at a reduced fee in certain circumstances, as determined by the clinic. Police routinely required permission from the senior investigating officer, who was seldom on the premises, before permitting counsel access to a client.

Arbitrary Arrest: There were reports of arbitrary arrest and unlawful detention. In June the Police Complaints Authority issued its report covering 2019, which found most police officers interviewed were ignorant of constitutional provisions regarding arrests and searches and that a substantial number of members of the police force under investigation openly violated the constitution in the performance of their duties.

Pretrial Detention: Lengthy pretrial detention remained a problem, due primarily to judicial inefficiency, staff shortages, and cumbersome legal procedures. The average length of pretrial detention was three years for those awaiting trial at a magistrates' court or in the High Court. This often exceeded the maximum possible sentence for the crime for which they were charged.

e. Denial of Fair Public Trial

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

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

Trial Procedures

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

Defendants enjoy a presumption of innocence. Cases in magistrates' courts are tried without jury, while cases involving more serious crimes are tried by jury in the High Court. The constitution provides that a person shall be informed in detail of the nature of the offense charged as soon as reasonably practicable. Defendants have the right to a timely trial and free assistance of an interpreter. The constitution also provides for persons charged with a criminal offense to be given adequate time and facilities for the preparation of a defense. Authorities routinely granted trial postponements to both the defense and prosecution. Defendants have the right to be present at their trial and confront adverse witnesses, and they may present their own witnesses and evidence. Defendants cannot be compelled to testify or confess guilt, and they have the right to appeal.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, and the government generally respected this provision. Individuals can access the court system to initiate lawsuits seeking damages for, or cessation of, human rights violations. The magistrates' courts deal with both criminal and civil matters. Delays, inefficiencies, and alleged corruption in the magistrates' court system affected citizens' ability to seek timely remedies in civil matters, and there was a large backlog of civil cases. Citizens have the right to appeal adverse domestic decisions to the Caribbean Court of Justice.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. Independent media were active and expressed a wide variety of views without restriction. The ruling party's monopoly of state media created an imbalance in public discourse and tended to give them a public affairs advantage, since the opposition did not have an outlet of its own.

Libel/Slander Laws: Defamatory libel is a crime punishable by imprisonment of three years or less. As of November, a 2020 libel case against Vice President Bharrat Jagdeo lodged by opposition parliamentarian Annette Ferguson, regarding statements then opposition leader Jagdeo made about Ferguson's acquisition of lands when she was in government was pending with the Court of Appeal.

Internet Freedom

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

On July 15, the director of public prosecutions charged opposition parliamentarian Annette Ferguson with using a computer system to humiliate a person, under a provision of the Cybercrime Act. Police arrested her on June 15 following her social media post claiming a senior member of the Guyana Defense Force would be named head of a "death squad." Ferguson was released on self-bail, but as of November the case remained pending before the Magistrates Court.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

On September 17, authorities charged 16 individuals, including senior opposition member Aubrey Norton, with taking part in an illegal COVID-19 antivaccination protest and being in public without a mask in violation of COVID-19 protocols. All were released on bail; as of November the case remained pending before the Magistrate Court. On May 8, opposition parliamentarians Christopher Jones and Annette Ferguson, along with six supporters, were charged with holding an illegal procession on April 26, as they did not receive police permission beforehand. As of November, that case remained pending before the Magistrates Court.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In response to the COVID-19 pandemic, the government put in place a curfew from 10:30 p.m. to 4 a.m. to protect public health and announced that violators would be fined. Police regularly arrested and fined individuals found to be breaking curfew restrictions.

On June 22, the government rescinded visa-free travel for Haitians, after numerous reports of Haitians entering the country illegally, many a result of trafficking. Married, divorced, or widowed women must fill out additional passport application sections that are not required of men, regardless of marital status.

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law does not provide for protection of asylum seekers, and the government has not established a system for providing protection for refugees. The government is not a signatory to the 1951 Convention on Refugees or the 1967 Protocol on Refugees. In the absence of national legislation and requisite government capacity, UNHCR assumed the main responsibility for determination of refugee status.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. Upon entry into the country, migrants are granted renewable three-month stay permits and can access medical services reliably, including specialty services when needed. Migrants may be granted a work permit only if an employer provides an application on behalf of the employee and a taxpayer identification number. Migrants may access educational services, but access is often limited to the capacity of the individual school. Venezuelan migrants do not need to produce valid travel documents or leave after the three-month period. Some migrants reported that law enforcement officers demanded bribes to issue and renew stay permits but did not deport them, while other migrants reported that initially law enforcement may have hassled them, but they had not experienced further problems. Some migrants reported that even after following all procedures, permits arrived after their expiration dates, while others reported a relatively smooth process with the help of a local UNHCR

representative. Stay permit renewal procedures were selectively applied for other nationalities, at the prerogative of the immigration officer.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: National and regional elections were held on March 2, 2020, triggered by a no-confidence vote in December 2018 against the ruling A Partnership for National Unity + Alliance for Change (APNU+AFC) coalition government and following several rounds of litigation initiated by both APNU+AFC and the then opposition People’s Progressive Party/Civic (PPP/C). Claims of electoral fraud and the APNU+AFC coalition’s refusal to accept its loss of the elections led to a national recount and litigation in the Caribbean Court of Justice, the country’s court of final instance. The PPP/C won by a margin of 15,000 votes, and Mohamed Irfaan Ali of the PPP/C was installed as president on August 2, 2020. The general elections resulted in the return of the PPP/C to government after a five-year hiatus from a previous 23-year administration. International observers concluded the March 2020 national and regional elections were free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. The law requires that one-third of each list of candidates be women; parties standing for the 2020 elections adhered to the law and the Guyana Elections Commission enforced this requirement.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, and the

government generally implemented the law effectively. There were isolated reports of government corruption during the year, and administration officials investigated these reports. There remained a widespread public perception of corruption involving officials at all levels and all branches of government, including the police and judiciary.

Corruption: Corruption by police officers was frequent. The government prosecuted members of the police force during the year. In April authorities arrested 11 police officers and charged them with multiple counts of fraud, conspiracy, and larceny for inflating the costs of meal procurement for police officers and keeping the difference. On October 27, two of those charged were released, and the judicial proceedings for the others were ongoing.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The law provides for an ombudsperson to investigate official government actions or actions taken by government officials in exercise of their official duties. Observers reported the ombudsperson operated independently of government interference.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and domestic violence. The law provides stringent penalties for rape, with life imprisonment as the maximum penalty. Successful prosecution of domestic violence cases was infrequent. As of September, police

reported that only 38 percent of reports of rape resulted in criminal charges, while rape cases countrywide increased by nearly 50 percent compared with the same period in 2020. In June a pregnant teenage girl told authorities she had been raped by two men who filmed the encounter, and she subsequently miscarried. As of September, only one of the perpetrators was in custody.

Domestic violence and violence against women, including spousal abuse, was widespread. The law prohibits domestic violence and allows victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders include fines and 12 months' imprisonment. The law was not enforced effectively. There were reports of police accepting bribes from perpetrators and of magistrates applying inadequate sentences after conviction. In other instances, police noted that cases were dropped after the victim refused to proceed with charges or support the evidence collection.

Sexual Harassment: The law prohibits sexual harassment in the workplace and provides for monetary penalties and award of damages to victims. The law does not cover harassment in schools. Acts of sexual harassment involving physical assault are prosecuted under relevant criminal statutes. While reports of sexual harassment were common, no cases had been filed as of September.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Vulnerable populations were able to provide informed consent to medical treatment affecting reproductive health, including for sterilization.

No government policies adversely affected access to skilled health attendance during pregnancy and childbirth, but geographical circumstances remained the primary barrier to access health care, specifically in the interior regions. The World Health Organization reported the country had a maternal mortality rate of 169 deaths per 100,000 live births. Primary causes for maternal death included poor obstetric performance, malaria, poor nutrition, and infrequent access to prenatal care among some women in remote areas due to inadequate transportation. A 2017 UNICEF study reported anecdotally that maternal mortality rates for the indigenous community, irrespective of location, were higher than for the rest of the population but did not have qualitative data to back up the date.

UNICEF data from 2017 indicated that the rate of adolescent pregnancy within the indigenous community, 148 per thousand, was double the national average of 74 per thousand.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

The greatest barrier to accessing emergency health care was geographical; residents of remote interior regions were not able to access nearby medical facilities.

Discrimination: Although women enjoy the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. The law prohibits discrimination based on gender, but there was no meaningful enforcement against such discrimination in the workplace. Job vacancy notices routinely specified that the employer sought only male or only female applicants, and women earned approximately 58 percent less than men for equal work.

Systemic Racial or Ethnic Violence and Discrimination

The constitution prohibits any law that discriminates based on race or national origin. The political party system is overwhelmingly race-based, with Indo-Guyanese forming most of the government and Afro-Guyanese forming the majority of the opposition as well as the civil service. There were, however, members of both ethnicities in senior leadership positions of the government. There were reports by the opposition of government discrimination against Afro-Guyanese citizens in the distribution of COVID relief grants and flood grants, as well as civil service firings throughout the year that disproportionately affected the Afro-Guyanese population.

A constitutionally mandated and broadly based Ethnic Relations Commission (ERC), a government body, existed with a mandate to promote ethnic harmony among all citizens, but it was not successful in fulfilling its mandate. In February one of the ERC commissioners called the commission “dysfunctional and wasteful,” citing the high salaries of its leadership and few achievements, which were narrowly centered on public calls for unity around national holidays. Civil

society organizations generally agreed with this assessment but noted the ERC's mission was a necessary one.

Indigenous Peoples

Various laws, including the Amerindian Act of 2006, protect the rights of the indigenous community, and members have some ability to participate in decisions affecting them, their land, and resources. Rules enacted by village councils require approval from the minister of Amerindian affairs before entering into force. Indigenous lands were not effectively demarcated. The government has the authority to override village councils when issuing mining concessions. In March the Amerindian People's Association (APA) reported to the United Nations that the government established several townships in remote areas without consulting the indigenous population holding recognized title to these lands, resulting in conflicts over land use and governance. The APA also reported discrimination in housing and employment for indigenous peoples.

According to the 2012 census, the indigenous population constituted 10 percent of the total population. There were nine recognized tribal groups. An estimated 90 percent of indigenous communities were in the remote interior. The standard of living in indigenous communities was lower than that of most citizens, with limited access to education, health care, and professional mobility, especially for youth. There were reports of interference by government officials in the affairs of indigenous peoples' councils, as well as labor exploitation and harassment. The APA reported difficulty in securing meetings with government ministers on land titling issues.

The government conducted outreach during the year to several remote indigenous villages in the country's interior to distribute COVID-19 information and education-related cash grants.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or by birth to a Guyanese citizen abroad. The law requires that births be registered within 14 days but also provides for registration of births after the 14-day period.

Births at hospitals and health facilities were registered within a day of delivery.

Child Abuse: The law prohibits abuse of children, including physical abuse, sexual abuse, and sexual exploitation. There were frequent, widespread reports of physical and sexual abuse of children. As with cases of domestic abuse, NGOs alleged some police officers could be bribed to make cases of child abuse “go away.”

Child, Early, and Forced Marriage: The legal age for marriage is 18, but boys and girls may marry at age 16 with parental consent or judicial authority. UNICEF reported that 30 percent of women were married before age 18.

Sexual Exploitation of Children: The age of sexual consent is 16. By law a person who has sexual relations with a child younger than 16 may be found guilty of a felony and imprisoned for life. There were continued reports of children being trafficked in commercial sex. The law prohibits the commercial sexual exploitation of children age 18 and younger and stipulates penalties commensurate with those prescribed for other serious crimes, such as rape. Laws related to pornography and pornographic performances do not prohibit the use, procuring, and offering of a child for each of these purposes. The law also regulates selling, publishing, or exhibiting obscene material, defined as anything that could deprave or corrupt those open to immoral influences. The country is not a destination for child sex tourism.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Excluding expatriates, the Jewish community had fewer than five members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law calls for the formulation of policies regarding access to education, health services, and public buildings for persons with disabilities. Children with disabilities in the most populous areas attended mainstream or special education schools, while the majority of those living in rural areas did not have the ability to attend school as there were no specialized programs or special needs curricula in mainstream education. Special education schools used a primary school curriculum, irrespective of age, and students did not receive certification upon graduation. Most children with disabilities who graduated with high school qualifications were those who were blind or had a physical disability.

The public health-care system was accessible to all persons, including persons with disabilities. Most public buildings were inaccessible to persons with disabilities, but new schools were being built with ramps and elevators. Some information from the government was provided in accessible formats, including sign language, audio, and braille. The transportation system, based on privately owned minibuses, was not accessible to persons with physical disabilities.

Persons with disabilities reported some episodes of police intimidation. In May the head of the local Society for the Blind was robbed while exiting a taxi on his way to his office and noted to media it was not the first time a blind person had been robbed in the area. There were reports of private abuse by family members against persons with disabilities. Government officials did not condone violence, harassment, intimidation, or abuses against persons with disabilities.

There were reports of private discrimination against persons with disabilities in attaining employment and housing.

HIV and AIDS Social Stigma

Local activists noted continued stigma against individuals with HIV/AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation and Gender Identity

Consensual same-sex sexual activity among men is illegal under the law and is punishable by up to two years in prison. Anal intercourse is punishable with a maximum sentence of life in prison, regardless of whether the intercourse is between persons of the same sex. These laws were not enforced during the year, and there were no reports of arrests. In August the National Assembly formally removed cross-dressing as a criminal offense from the law, fully incorporating a 2018 decision by the Caribbean Court of Justice that the law was unconstitutional.

No antidiscrimination legislation exists to protect persons from discrimination based on real or perceived sexual orientation, gender identity or expression, or sex characteristics. NGOs reported widespread discrimination of persons in this regard. Reports noted continued official and social discrimination in employment, access to education and medical care, and in public spaces. A leading lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) NGO reported frequent acts of violence against members of the LGBTQI+ community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of association and allows workers to form and join trade unions, bargain collectively, and conduct legal strikes. The law bars military and paramilitary members from forming a union or associating with any established union. The law prohibits antiunion discrimination by employers but does not specifically require reinstatement of workers fired for union activity.

The Ministry of Labor is required to certify all collective bargaining agreements. Individual unions directly negotiate collective bargaining status.

By law unions must have 40 percent support of workers, a provision the International Labor Organization (ILO) criticized. The government may declare strikes illegal if the union leadership does not approve them or if the union does not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide a one-month notice to the Ministry of Public Service and leave a skeleton staff in place. In

March nurses in the central city of Linden went on strike following pejorative remarks by the CEO of Linden Hospital Complex; the government deemed the strike “illegal,” claiming it did not adhere to the relevant laws governing strikes.

The ILO noted that not all sectors deemed essential by the government adhered to international definitions, including the services provided by the Transport and Harbors Department and the National Drainage and Irrigation Board. Arbitration is compulsory for public employees, and such employees engaging in illegal strikes are subject to sanctions or imprisonment.

The government did not effectively enforce applicable laws. Penalties for violation of labor laws are small fines that the government frequently did not impose. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Administrative and judicial proceedings regarding violations often were subject to lengthy delays and appeals.

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

The Guyana Public Service Union (GPSU) reported instances of political interference in the union and government attempts to pressure some GPSU members to leave. In September the GPSU reported the government had not responded to its August 2020 request to initiate discussions regarding salaries, wages, and allowances in 2020 and 2021, per the legally binding Avoidance and Settlement Disputes agreement between the GPSU and the government.

b. Prohibition of Forced or Compulsory Labor

The law criminally prohibits forced labor. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Penalties for forced labor under trafficking-in-persons laws include forfeiture of property gained as a result of the forced labor, restitution to the victim, and imprisonment.

Administrative labor-law penalties are small monetary fines, deemed insufficient to deter violations and rarely enforced.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children younger than age 15, with some exceptions, but it does not sufficiently prohibit the worst forms of child labor. Technical schools may employ children as young as age 14, provided a competent authority approves and supervises such work. No person younger than 18 may be employed in industrial work at night. Exceptions exist for those ages 16 and 17 whose work requires continuity through day and night, including certain gold-mining processes and the production of iron, steel, glass, paper, and raw sugar. The law does not specifically prohibit the use, procuring, or offering of a child for the production and trafficking of drugs.

The law permits children younger than 15 to be employed only in enterprises in which members of the same family are also employed. The law prohibits children younger than 15 from working in factories and does not provide adequate protections for those younger than 18 to prevent their being engaged in activities hazardous to their health or safety.

The government did not enforce laws effectively, and penalties were commensurate with those for other analogous serious crimes, such as kidnapping. The Ministry of Human Services and Social Security collaborated with the Ministry of Education, Geology and Mines Commission, Guyana Forestry Commission, National Insurance Scheme, and Guyana Police Force to enforce child labor laws. The government infrequently prosecuted employers for violations relating to child labor.

Child labor occurred and was most prevalent in farming, fishing, bars and restaurants, domestic work, and street vending. Small numbers of children also performed hazardous work in the construction, logging, farming, and mining

industries. Incidences of the worst forms of child labor occurred, mainly in gold mining, prostitution (see section 6), and forced labor activities, including domestic servitude. According to local NGOs, children who worked in gold mines operated dangerous mining equipment and were exposed to hazardous chemicals, including mercury.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, sex, gender, disability, language, social status, and national origin or citizenship. Penalties were commensurate with laws related to civil rights, such as election interference. The law does not prohibit discrimination based on sexual orientation or gender identity. Discrimination in employment and occupation occurred with respect to women and to persons based on their sexual orientation or gender identity, and workplace access was limited for persons with disabilities (see section 6). Newspapers frequently carried advertisements seeking gender-specific or age-specific applicants to fill positions in the retail, cosmetology, or security sectors.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a national minimum wage, but there is a different minimum wage rate for the public sector and private sector.

Minimum wage rates are set through Minimum Wages Orders made under the Labor Act and Wages Council Act. In sectors not covered by the act, wages can be agreed upon by individual or collective agreement. Minimum wages for regular working hours of all full-time, private-sector employees are set nationally for hourly, daily, weekly, and monthly workers. The national minimum wage for regular working hours of full-time, public-sector employees was above the poverty line. A normal workweek is 40 hours, distributed over no more than five days per week. The law prohibits compulsory overtime, and overtime work must be paid according to rates set in the law or according to any collective bargaining agreement in force where workers are unionized. There is provision for overtime

pay. Penalties were not commensurate with those for similar crimes, such as fraud. On November 18 the president announced government employees would receive 7 percent retroactive increases in wages and salaries before the end of the year, but the Guyana Public Service Union criticized the lack of collective bargaining and called for industrial action. The Guyana Teachers Union joined the GPSU in condemning the increase.

The Ministry of Labor is charged with enforcement of labor laws, including minimum wage. The number of inspectors was insufficient to enforce the law effectively. Inspectors have the authority to make unannounced inspections but do not have the authority to initiate sanctions. Labor inspections carried out during the year targeted all sectors, including agriculture, mining, and construction. Ministry follow-up of labor inspection findings varied, and compliance among employers was also inconsistent.

The government did not effectively enforce minimum wage and overtime laws. Trade unions criticized government delays and failure to act on wage and hour violations perpetrated by companies in the private sector and particularly foreign-owned firms. Alleged violations of wage, hour, or overtime laws were common in the mining and logging sectors.

Occupational Safety and Health: Occupational safety and health (OSH) standards are not appropriate for the main industries, and government did not effectively enforce OSH laws. The law provides that some categories of workers have the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities effectively protected employees in these situations.

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summoned an Indian logging company, Vaitarna Holdings Private Incorporated, for inadequate living conditions for employees and some health and safety violations. In May the Ministry of Labor confirmed that Innovative Mining Incorporated, a joint Russian-Guyanese medium-scale mining venture, admitted to committing several labor infractions, including those related to payment of wages, overtime, and granting of leave.

Local trade unions and NGOs reported the Ministry of Labor lacked sufficient resources to enforce occupational safety and health laws adequately. The government reported 182 workplace accidents, all of which were investigated. There were 15 fatal workplace accidents reported as of September.

Informal Sector: As of the second quarter of the year, the Guyanese Bureau of Statistics reported the proportion of workers in informal employment was approximately 50 percent. The International Monetary Fund and Caribbean regional economists estimated that the informal economy represented 35 to 44 percent of total economic activities. Most informal rural workers were engaged in agriculture or fishing sectors; others worked in artisanal mining, hospitality (such as rainforest hotels), or services sectors including transportation (such as river boat taxis). In urban areas, informal work was clustered in domestic, retail, and service sectors. Regional economists noted that high unemployment motivated many persons to create their own work, such as driving a private minibus, selling ice cream from a bicycle-mounted cooler, or setting up a food cart in the street. Unorganized workers, particularly women in the informal sector, were often paid less than the minimum wage.