

Guyana 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Guyana during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; extensive gender-based violence, including domestic or intimate partner violence and sexual violence; laws criminalizing consensual same-sex sexual conduct between adult men, which were not enforced; and existence of the worst forms of child labor.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

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

There were reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

In January police officer Shane James shot and killed Detective Corporal Dwayne McPherson and Kishan Budburgh. Police officials alleged McPherson attempted to arrest Budburgh, but Budburgh resisted. James allegedly shot Budburgh, killing him and McPherson. In February authorities arrested James and charged him with the murder of McPherson and Budburgh. As of September, the preliminary inquiry into James's case was underway.

As of September, the committal hearing into the murder allegation against police officer Kristoff Denobrega, charged with the June 2022 shooting death of Quindon Bacchus, continued.

Inquests ordered by the Department of Public Prosecutions regarding the 2021 alleged police killing of Peter Headley and June 2022 alleged police killing of Deanraj Bacchus had not been held as of September.

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, and Other Related Abuses

The constitution prohibited such practices, and there were no credible reports government officials employed them.

Prison and Detention Center Conditions

Prison and jail conditions, particularly in police holding cells, were reportedly harsh and potentially life threatening due to inadequate sanitary conditions and prisoner-on-prisoner violence.

Abusive Physical Conditions: Prisoners and detainees reported unsanitary conditions and a lack of potable water. They also complained of lengthy confinement in their cells with limited opportunities for exposure to sunlight.

There were five cases of prisoner-on-prisoner violence requiring medical attention of prison nurses on site. In August a prisoner from New Amsterdam prison was hospitalized and later died from what his family members alleged were injuries sustained in prison. Family members alleged they were not informed, were prohibited from taking photographs of the prisoner in the hospital, and were denied the opportunity to have a second autopsy conducted. Prison and law enforcement agencies were investigating the matter.

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: There was no independent nongovernmental confirmation the government permitted outside groups to monitor prison conditions.

Improvements: The government established a new bloc within a prison to hold women inmates on the outskirts of Georgetown, the capital city.

d. Arbitrary Arrest or Detention

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

An arrest required a warrant issued by a court official unless an officer witnessing a crime had good cause to suspect a crime or a breach of the peace was or would be committed. The law stipulated an arrested person could not be held for more than 72 hours without filing charges. Authorities generally observed this requirement. Bail was generally available except in cases of capital offenses and narcotics trafficking.

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

The state provided legal counsel for indigent persons only when such persons were charged with a capital offense. 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 High Court found police unlawfully arrested Rehanna Reginald in 2020. Reginald was kept in police custody for more than 72 hours and was not allowed contact with her lawyer. Reginald also alleged her holding cell was littered with human feces and lacked a functional toilet and bed. The court awarded 2.25 million Guyanese dollars (\$10,700) in damages to Reginald.

In July the High Court found the police's Special Organized Crime Unit unlawfully arrested attorney Tameika Clarke in October 2022. According to news reports, officers arrested Clarke for advising her client to remain silent during an interrogation by the unit. As of September, the court was considering the amount of damages to award Clarke.

The independent watchdog Police Complaints Authority's report for 2022 found most police officers interviewed were ignorant of constitutional provisions regarding arrests and searches and that a significant number of complaints concerned unlawful arrests.

Pretrial Detention: Lengthy pretrial detention was 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 the High Court. This often exceeded the maximum possible sentence for the crime for which they were charged. In July the High Court freed Solomon George, accused of murder, after he was in pretrial detention for seven years.

e. Denial of Fair Public Trial

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

Delays and inefficiencies undermined 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. In July the government appointed a Judicial Service Commission after it had been defunct for six years. The commission was responsible for appointing members of the judiciary and addressing personnel shortages. As of September, the positions of chancellor of the judiciary and chief justice were unfilled.

Trial Procedures

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right.

While the law recognized the right to legal counsel, this right was limited to those who could afford to pay, except in cases involving capital crimes.

Although there was no formal public defender system, a defendant in a murder case that reached the High Court could receive a court-appointed attorney.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

The law prohibited such actions, and there were no reports 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 provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media and a functioning democratic political system combined to promote freedom of expression, including for media members. Independent news 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 the party a public affairs advantage, since the opposition did not have an outlet of its own.

Libel/Slander Laws: Libel was a crime punishable by imprisonment of three years or less. There were no reports the government or individual public figures used these laws to restrict public discussion or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

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

c. Freedom of Religion

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

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

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Married, divorced, or widowed women were required to fill out additional passport application sections that were not required of men, regardless of marital status.

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

e. 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, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection for 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 approximately 500 individuals who may not have qualified as refugees.

Section 3. Freedom to Participate in the Political Process

The law provided 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 took place in Indigenous communities, where members elected Indigenous leaders every 33 to 36 months.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections held in 2020 were initially reported as free and fair. Independent observer groups subsequently noted irregularities. Claims of electoral fraud and the incumbent A Partnership for National Unity + Alliance for Change governing coalition's refusal to accept its loss in the elections led to a national recount and litigation in the Caribbean Court of Justice, the country's court of final instance, overturning the Guyana Court of Appeal's decision on a challenge to the recount.

Section 4. Corruption in Government

The law provided for criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption not involving police officers.

Corruption: Corruption by police officers was frequent. The government reported it received 40 complaints against police officers for criminal complicity and charged five of these as of August. In January the government began prosecuting police corporal Rawle Haynes for money laundering. The prosecution against Haynes continued as of September. In May the government charged prison officers Alexander Hopkins, Oldfield Romulus, Conroy Hossanah, and Omar Whitherspoon, all attached to the Mazaruni maximum security prison, with aiding the escape of convict Mark

Royden Durant Williams. The prosecution of the prison officers was underway as of September. In August the Police Complaints Authority report for 2022 noted the Police Disciplinary Authority was slow to discipline errant officers.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

A number of domestic human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. The 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 provided 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, and they considered the ombudsman to be somewhat effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape of men or women, including spousal rape, and domestic violence, as well as domestic or intimate partner rape and other forms of domestic and sexual violence, including so-called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The law provided stringent penalties for rape, with life imprisonment as the maximum penalty. Successful prosecution of domestic violence cases was infrequent.

Gender-based violence was widespread. The law prohibited domestic violence and allowed victims to seek prompt protection, occupation, or tenancy orders from a magistrate. Penalties for violation of protection orders included fines and 12 months' imprisonment. The law was not enforced effectively. There were reports of police accepting bribes from perpetrators and of magistrates sentencing offenders to less than the minimum after conviction. In other instances, police noted cases were dropped after the survivor did not pursue charges or support the evidence collection.

The government reported 20 percent of police officers were trained in investigating domestic violence and sexual offenses, and 27 percent of police stations had special victims units.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment in the workplace and provided for monetary penalties and award of damages to survivors. The law did not cover harassment in schools. Acts of sexual harassment accompanying physical assault were prosecuted under relevant criminal statutes. While reports of sexual harassment were common, no cases had been filed as of September. In July the ombudsman released his report for 2022 and highlighted a former police officer's allegations of sexual harassment against his colleague. As of July, the ombudsman reported police authorities had not responded to the allegations.

Discrimination: Although the law provided women the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. The law prohibited discrimination based on gender, but there was no meaningful enforcement against such discrimination in the workplace. Employers routinely advertised they sought specifically men or women applicants for private-sector job vacancies in industries such as construction, retail, and mining. Women reportedly earned approximately 14 percent less than men for equal work.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence, but survivors often did not pursue it.

Emergency contraception and postexposure prophylaxis were available as part of clinical management of rape as well as for purposes of family planning.

Geographical circumstances were the primary barrier to access health care, including emergency health care, specifically in the interior regions.

The Pan American Health Organization reported the country had an estimated maternal mortality rate of 112 deaths per 100,000 live births, a decline of 41 percent over the last two decades. The government reported the estimated maternal mortality rate was 100 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. UNICEF data from 2017 indicated the rate of adolescent pregnancy among Indigenous girls, 148 per thousand, was double the national average.

Indigenous Peoples

In July the Inter-American Commission on Human Rights assessed that members of an Indigenous Carib community were at serious risk of suffering

irreparable harm to their human rights. The community alleged they faced threats, harassment, and violence for opposing mining activities on or near their lands. In August the government ordered a temporary cease-work order against the miners.

Various laws protected the rights of Indigenous peoples, and Indigenous persons had some ability to participate in decisions affecting them, their land, and resources, including ancestral lands and sacred waters. Rules enacted by village councils required approval from the minister of Amerindian affairs before entering into force. The government had the authority to override village councils when issuing mining concessions. There were reports of interference by government officials in the affairs of Indigenous peoples' councils, as well as of labor exploitation, child sexual abuse, and harassment. Indigenous lands were not effectively demarcated.

Children

Child Abuse: The law prohibited abuse of children, including physical abuse, sexual abuse, and sexual exploitation. There were frequent, widespread reports of physical and sexual abuse of children. The government generally enforced the law effectively. In June the government launched a campaign to tackle child labor under its Every Child Safe initiative and announced a grant to an NGO to establish a child advocacy center in the hinterland.

Child, Early, and Forced Marriage: The legal age for marriage was 18, but children could marry at age 16 with parental consent or judicial authority. The government effectively enforced this provision.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. The law stipulated penalties commensurate with those prescribed for other serious crimes, such as rape. There were reports of child trafficking victims exploited in commercial sex. The law prohibited child pornography. The law also regulated selling, publishing, or exhibiting obscene material. The age of sexual consent was 16. By law, a person who had sexual relations with a child younger than 16 could be found guilty of a felony and imprisoned for life. The government enforced these laws effectively.

Antisemitism

Excluding expatriates, the Jewish community had fewer than five members. There were no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual activity among men was illegal and punishable by up to two years in prison. Anal intercourse was punishable with a maximum sentence of life imprisonment, regardless of whether the intercourse was between persons of the same sex. These laws were not enforced, and there were no reports of charges or arrests.

Violence and Harassment: A leading LGBTQI+ NGO reported frequent acts of violence by nonstate actors against LGBTQI+ persons. A transgender individual in Region 4 sustained facial injuries after being punched several times by a man who accused the individual of identifying as a man when the person was born a woman.

Discrimination: No specific antidiscrimination legislation existed to protect persons from discrimination based on real or perceived sexual orientation, gender identity or expression, or sex characteristics. Legislation to protect persons from discrimination based on gender at birth, age, race, religion, marital status, political persuasion, disability, or social status applied to LGBTQI+ individuals. NGOs reported widespread discrimination of persons in this regard. The law did not recognize LGBTQI+ couples or their families.

Reports noted government and societal discrimination in employment, access to education and medical care, and in public spaces. A law criminalizing cross dressing was repealed in 2021, but NGOs reported persistent discrimination against transgender persons in employment.

Availability of Legal Gender Recognition: The law did not provide for legal gender recognition.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of so-called conversion therapy, including forced or involuntary, in an attempt to change a person's sexual orientation or gender identity or expression. While no such practices were reported by the government, human rights organizations reported social, cultural, and religious intolerance led to recurrent attempts to "convert" LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures. There were no reports medically unnecessary and irreversible "normalization" surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The law did not restrict the freedom of expression, association, or peaceful assembly of LGBTQI+ organizations. Nevertheless, LGBTQI+ NGOs reported that fear of abuse and intimidation prevented them from developing their membership.

Persons with Disabilities

The law called 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 primarily attended separate schools with programs tailored to their disabilities, while some attended mainstream programs, provided they met the program's academic requirements. The majority of those living in rural areas did not have the ability to attend school as there were no programs tailored to inclusive education for children with disabilities. Schools admitting only children with disabilities used a primary school curriculum, irrespective of age, and students received certification upon graduation.

The public health-care system was accessible to persons with disabilities. Most public buildings were inaccessible to persons with disabilities, but new schools were being built with ramps. 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 many persons with physical disabilities. There were reports of private discrimination against persons with disabilities in attaining employment and housing.

Other Societal Violence or Discrimination

Local activists noted stigma and discrimination against individuals with HIV or AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

By law, unions were required to have 40 percent support of workers, a provision the International Labor Organization (ILO) criticized. The government could declare strikes illegal if the union leadership did not approve them or if the union did not meet the requirements specified in collective bargaining agreements. Public-sector employees providing

essential services could strike if they provided a one-month notice to the Ministry of Public Service and left a skeleton staff in place. The ILO noted public contracts did not contain required labor clauses.

The ILO also noted 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 was compulsory for public employees, and such employees engaging in illegal strikes were subject to sanctions or imprisonment.

The government did not effectively enforce the law. Penalties for violation were small fines the government rarely applied. Penalties were commensurate with those for other laws involving denials of civil rights. Administrative and judicial proceedings regarding violations often were subject to lengthy delays and appeals.

Some public-sector employee unions alleged antiunion discrimination by the government, asserting the government violated worker rights and did not effectively enforce the law. The unions were concerned employers used hiring practices such as contract labor and temporary labor to avoid hiring workers with bargaining rights. The Guyana Public Service Union reported instances of political interference in the union and government attempts to pressure some members to leave the union. The union's July 2022 lawsuit against the government, the country's largest employer, for failing to

participate in required collective bargaining had not been heard by the High Court as of September.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a national minimum wage, but there was a different minimum wage rate for the public sector and private sector. Minimum wage rates were set through Minimum Wages Orders made under the Labor Act and Wages Council Act. In sectors not covered by the act, wages could be agreed upon by individual or collective agreement. Minimum wages for regular working hours of all full-time, private-sector employees were 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 income line.

A normal workweek was 40 hours, distributed over no more than five days per week. The law prohibited compulsory overtime, and overtime work had to be paid according to rates set in the law or according to collective bargaining agreements in force where workers were unionized. There was provision for overtime pay.

Alleged violations of wage, hour, or overtime laws were common in the private security, construction, hospitality, restaurant, and mining sectors.

Occupational Safety and Health: Occupational safety and health (OSH) standards were not appropriate for the main industries, and the government did not effectively enforce OSH laws. The law provided that some categories of workers had the right to remove themselves from unsafe work environments without jeopardizing their employment, and authorities effectively protected employees in these situations. OSH inspectors actively identified unsafe conditions and recommended procedures for addressing workplace hazards.

Wage, Hour, and OSH Enforcement: Local trade unions and NGOs reported the Ministry of Labor did not effectively enforce OSH laws. The number of labor inspectors was insufficient to enforce the law effectively. Penalties for violations for wage, hour, and OSH enforcement were not commensurate with those for similar crimes, such as fraud or negligence, and were rarely

imposed. Inspectors had the authority to make unannounced inspections but not to initiate sanctions. Ministry follow-up of labor inspection findings varied, and compliance among employers was also inconsistent. Trade unions criticized government delays and failure to act on wage and hour violations perpetrated by companies in the private sector and particularly in foreign-owned firms. In a number of hinterland mining areas, miners reported they never saw labor inspectors.

As of 2021, 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 the informal economy represented 35 to 44 percent of total economic activities. Informal-sector workers and part-time workers were covered by wage, hour, and OSH regulations and were subject to labor inspections. Laws and regulations relating to wages and OSH were rarely enforced, however.