

Guyana

The Government of Guyana continued to work with ILO-IPEC and UNICEF to address the worst forms of child labor. It has neither enacted all needed legal reforms, including draft legislation outlawing the worst forms of child labor, nor has it provided support to the National Steering Committee to enable it to effectively address the worst forms of child labor, or made efforts to sustain donor-funded projects. Child labor continues to exist in the agricultural, logging, and the fishing sectors, exposing children to occupational health and safety risks.

Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|-----------|---------|
| Working | 5-14 yrs. | 26.3% |
| Attending School | 5-14 yrs. | 95.8% |
| Combining Work and School | 7-14 yrs. | 28.3% |



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

In Guyana, children are found in the worst forms of child labor,²¹⁷⁷ principally in the agriculture, logging, and fishing industries.²¹⁷⁸ In agriculture, children may carry heavy loads, apply agrochemicals and use sharp cutting tools.²¹⁷⁹

In addition, some Guyanese children are trafficked, both domestically and internationally, for commercial sexual exploitation and forced labor.²¹⁸⁰ Some Guyanese girls from rural areas are lured by traffickers to coastal population centers and coerced into working as domestic servants. Others are coerced to work in shops or forced into prostitution.²¹⁸¹

Laws and Regulations on the Worst Forms of Child Labor

Guyana's Employment of Young Persons and Children (Amendment) Act of 1999 sets the minimum age for all types of employment at 15.²¹⁸² Children under age 15 may be employed in technical schools, provided such work is approved and supervised by the

public authority.²¹⁸³ A change in legislation is being considered to allow children who have reached the age of 13 to do some kinds of work.²¹⁸⁴ The Government has stated that the proposal is intended to establish a minimum age for light work, in line with standards in ILO Convention 138.²¹⁸⁵

Under Guyanese law, persons under 16 are legally prohibited from working during the night or at worksites where hazardous work is routinely performed, such as in mines, quarries, manufacturing, shipbuilding, building construction and reconstruction, docks, quays, wharves, and warehouses.²¹⁸⁶ Guyana's Occupational Safety and Health Act stipulates that persons under 16 may not be hired to work at any job that is likely to jeopardize their health, safety, or morals.²¹⁸⁷ However, the Government has not codified a corresponding list of occupations that constitute hazardous work for children.

In 2006, Guyana's National Assembly passed an amendment which would have outlawed the worst forms of child labor, but because the President opposes some aspects of it, it has not become law.²¹⁸⁸

The Constitution of Guyana prohibits forced labor.²¹⁸⁹ Human trafficking is prohibited under the Combating of Trafficking in Persons Act of 2005.²¹⁹⁰ In addition, anyone who procures, counsels, or commands a child to commit a drug-related felony can be prosecuted under Guyana's Criminal Law (Offenses Act).²¹⁹¹ Guyana's Defense Act requires a person to be age 18 to be conscripted into the armed forces.²¹⁹²

In May of 2010, the Sexual Offenses Act of 2009 was enacted, which expanded protections for young children.²¹⁹³ The new legislation made the criminal offense of rape gender-neutral and removed the requirement that the claims of young children must be corroborated.²¹⁹⁴

| | | |
|---|--|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 15 |
| | Minimum Age for Hazardous Work | 16 |
|  | Compulsory Education Age | 15 |
| | Free Public Education | Yes |

Institutional Mechanisms for Coordination and Enforcement

The Government of Guyana has established a National Steering Committee on Child Labor (NSCCL) which is tasked with recommending policies and programs to eliminate child labor in all its forms.²¹⁹⁵ However, the NSCCL has reportedly stopped meeting on a regular basis, potentially limiting its ability to carry out its mandates.²¹⁹⁶ There is also a National Task Force for Combating Trafficking in Persons (NTFCTP).²¹⁹⁷ Participants on the NTFCTP are drawn from the

Ministries of Home Affairs, Human Services, Legal Affairs, Foreign Affairs, Amerindian Affairs, Guyana Police Force, Help and Shelter, and Food for the Poor. The NTFCTP is charged with reporting on the nature and magnitude of trafficking in persons in Guyana and documenting the Government's response.²¹⁹⁸

The Ministry of Labor, Human Resources, and Social Security (MLHRSS) is responsible for enforcing child labor laws.²¹⁹⁹ Within the MLHRSS, the Chief Labor Officer (CLO) handles all workplace safety and health and wage and hour inspections and special investigations stemming from reports of child labor.²²⁰⁰ In 2009, the MLHRSS employed 20 labor inspectors who assist the CLO.²²⁰¹ Under the authority of the Factories Act, labor inspectors can enter any workplace at any time to conduct an inspection and require the employer to provide all documents and information to show that the business is in compliance with the law.²²⁰²

In 2009, the MLHRSS conducted about 3,000 workplace inspections, an average of 150 inspections per inspector.²²⁰³ There were 12 complaints of possible violations of child labor lodged with the MLHRSS in 2009.²²⁰⁴ However, MLHRSS inspectors were not able to validate that any legal violations had occurred with regard to any of the child labor complaints and took no further action.²²⁰⁵

Guyana's Ministry of Education (MOE) is responsible for monitoring children who are out of school.²²⁰⁶ Guyana's education statute empowers school attendance officers to enter any premise or place during school hours, make enquiries about any child residing or being employed there, and report the parent of the truant child to the Chief Education Officer.²²⁰⁷ However, there is no evidence that the Ministries of Labor and Education are sharing information or that the MOE is referring child labor cases to the MOL.

The Guyana Police Force (GPF) is responsible for investigating possible crimes involving the worst forms of child labor. The NTFCTP brings complaints of child trafficking to the attention of the GPF. The GPF has instituted mandatory training on trafficking for the Criminal Investigations Division Police.²²⁰⁸

During the reporting period, two cases of alleged child trafficking were investigated, but no charges were filed, reportedly due to a lack of evidence.²²⁰⁹ However, the

NTFCTP noted in its first report that the country had recorded its first trafficking in persons conviction when a person was found guilty of trafficking two girls in Bartica.²²¹⁰

Government Policies on the Worst Forms of Child Labor

Although Guyana does not have a standalone child labor policy, it is cooperating with UNICEF to implement a Country Program Action Plan for 2006-2010. This plan includes measures to address and prevent child labor and is closely aligned with the Government's poverty reduction strategies and human rights agenda.²²¹¹ UNICEF has pledged approximately \$3.3 million dollars to help implement the plan, which will promote children's rights and protections, child survival, and adolescent development, particularly among vulnerable youth such as working children.²²¹² Goals include supporting projects to reduce child labor, exploitation, and the trafficking of children.²²¹³

Research found no evidence that Guyana has bilateral agreements with countries to which Guyanese children are trafficked, to cooperate in efforts to combat child labor and trafficking.²²¹⁴ Guyana has, however, signed onto political declarations with the region, including the Caribbean Community and Common Market Secretariat, pledging its commitment to protect people from trafficking.²²¹⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Guyana has participated in a number of donor-funded programs to eliminate child labor, which have focused on data collection, education, and youth employment.²²¹⁶

For example, the Government of Guyana participated in a USDOL-funded project, EDUCARE, which ended in 2009.²²¹⁷ This project withdrew and prevented

children from engaging in exploitive child labor and built capacity within the Ministry of Education's School Welfare Service to ensure school attendance at the primary and secondary levels.²²¹⁸

In 2008, Guyana was part of a \$1,210,000, 11-country project to combat child labor.²²¹⁹ In Guyana, the project seeks to strengthen the capacity of the Government of Guyana and local authorities in the formulation, implementation, and enforcement of specific policies to address child labor in coordination with social partners and civil society, and to help reduce poverty by providing access to basic education and skills training to disadvantaged children and youth.²²²⁰ The project also supports ongoing efforts to eliminate child labor and promote youth employment.²²²¹ While the projects cited above are important to advance the elimination of the worst forms of child labor, there is no evidence to indicate that the Government of Guyana has adopted the measures necessary to ensure the long-term success of these internationally-supported initiatives.

During the reporting period, the MLHRSS and the National Task Force for Combating Trafficking in Persons continued to conduct awareness-raising campaigns on human trafficking, and the Government continued to support efforts to assist victims of trafficking.²²²² The Government increased its funding to an NGO that provided shelter, counseling, and medical assistance to victims of trafficking and domestic violence; provided travel funds to facilitate the return to Guyana of Guyanese trafficking victims; offered vocational training, medical, and financial assistance to victims; and supported the training of 100 people who were designated as community "focal points" to identify and report potential trafficking cases.²²²³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guyana:

IN THE AREA OF LAWS AND REGULATIONS:

- Explicitly identify hazardous jobs prohibited to minors.
- Enact into law the 2006 Amendment to the Employment of Young Persons and Children Act passed by the Parliament that prohibits the worst forms of child labor.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Reconstitute the National Steering Committee on Child Labor with representatives from multiple sectors to address child labor.
- Create a mechanism to ensure that the Ministry of Education shares information gathered from its truancy monitoring with the Ministry of Labor to identify potential child labor cases.

IN THE AREA OF POLICIES:

- Form partnerships with governments in countries to which Guyanese children are trafficked to combat international child trafficking.

IN THE AREA OF PROGRAMS:

- Take steps to ensure long-term sustainability of efforts to address the worst forms of child labor.

²¹⁷⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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²¹⁸⁶ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*.

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