

Prosecutor official, Interview with USDOL consultant, May 30, 2006.

¹⁷¹² U.S. Embassy- Dakar, *Trafficking in Persons Reporting, March 2, 2009*.

¹⁷¹³ Ibid.

¹⁷¹⁴ Ministry of Economy, *National Poverty Reduction Strategy Paper (NPRSP)*, September 2006, 42 and 85; available from <http://www.imf.org/external/pubs/ft/scr/2007/cr07339.pdf>.

¹⁷¹⁵ ILO, *Ratifications by Country*, accessed February 9, 2009; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

¹⁷¹⁶ U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea Bissau." See also U.S. Embassy-Dakar, *Trafficking in Persons Reporting, March 2, 2009*.

¹⁷¹⁷ Integrated Regional Information Networks, "Child trafficking on the decline say local authorities".

¹⁷¹⁸ U.S. Department of State, "Country Reports- 2008: Guinea-Bissau," section 5.

¹⁷¹⁹ U.S. Department of State, "Trafficking in Persons Report- 2008: Guinea Bissau."

¹⁷²⁰ Integrated Regional Information Networks, "Child trafficking on the decline say local authorities".

Guyana

Selected Statistics and Indicators on Child Labor¹⁷²¹

| | |
|---|------------|
| Population, children, 5-14 years, 2000: | 172,342 |
| Working children, 5-14 years (%), 2000: | 26.3 |
| Working boys, 5-14 years (%), 2000: | 28.7 |
| Working girls, 5-14 years (%), 2000: | 23.9 |
| Working children by sector, 5-14 years (%): | |
| - Agriculture | - |
| - Manufacturing | - |
| - Services | - |
| - Other | - |
| Minimum age for work: | 15 |
| Compulsory education age: | 15 |
| Free public education: | Yes |
| Gross primary enrollment rate (%), 2006: | 115.2 |
| Net primary enrollment rate (%), 2002: | 93.0 |
| School attendance, children 5-14 years (%), 2000: | 95.8 |
| Survival rate to grade 5 (%), 2001: | 64.3 |
| ILO Convention 138: | 4/15/1998 |
| ILO Convention 182: | 1/15/2001 |
| CRC: | 1/14/1991 |
| CRCOPAC: | No |
| CRCOPSC: | No |
| Palermo: | 9/14/2004 |
| ILO-IPEC participating country: | Associated |

Incidence and Nature of Child Labor

Children in Guyana work in farming, construction, logging, and fishing. Some children are domestic servants, shop assistants, street

vendors, brick makers, and welders.¹⁷²² There are three times more children working in the interior than in the coastal urban areas.¹⁷²³ The work performed by children includes lifting and carrying heavy loads, spraying pesticides, using power-driven machines, handling raw meat, preserving lumber, and varnishing and spraying furniture.¹⁷²⁴ There are reports of children involved in the illicit drug trade. Sexual exploitation of children also occurs in Guyana, including prostitution.¹⁷²⁵ Trafficking in children is a problem, particularly among young Amerindian girls who are trafficked internally.¹⁷²⁶

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 15 years. Children at least 14 years of age may be employed if the work conducted is for general, vocational, or technical education.¹⁷²⁷ Children or adolescents under 18 years are prohibited from work between 10 p.m. and 5 a.m. and for 11 consecutive hours in industrial undertakings, which include mining and quarrying, construction, reconstruction, maintenance, and transportation of passengers or goods. The law provides an exception when a family member of the child is employed by the industrial undertaking.¹⁷²⁸ Children older than 16 years may work in the manufacture of steel, iron, paper, and raw sugar as well as gold mining reduction or glass work. Businesses that employ children are required to keep a child labor registry.¹⁷²⁹ There

are fines for employers and parents who are guilty of direct involvement with child labor.¹⁷³⁰

Forced labor is prohibited by the Constitution.¹⁷³¹ The law sets the minimum age for compulsory enlistment in the armed forces at 18 years and voluntary recruitment at 16 years with parental consent.¹⁷³² All forms of trafficking are prohibited by law, and penalties include life imprisonment, forfeiture of property, and payment of full restitution to the trafficked person.¹⁷³³ Even though child pornography is not specifically mentioned in Guyanese law, the penalty for selling, publishing, or exhibiting obscene matter is 2 years in prison. Although child prostitution is likewise not explicitly prohibited, carnal knowledge of a girl under 12 years is subject to life in prison, and carnal knowledge of a girl 12 years of age earns 10 years in prison. The law sets the age of sexual consent at 16 years, thus prohibiting sex with children younger than 16 years of age.¹⁷³⁴ In addition, the penalty for procurement of a female under 21 years is 10 years in prison.¹⁷³⁵ The penalty for unlawful detention of girl under 18 years for carnal knowledge is 10 years. The owner or occupier of a premises that permits the defilement of a girl 12 to 13 years for the purposes of unlawful carnal knowledge is subject to 10 years of imprisonment; if the victim was a girl under 12 years, the penalty is life in prison.¹⁷³⁶

The Ministry of Labor, Human Services, and Social Security (MLHSSS) has principal responsibility for enforcing legislation relating to child labor. In the case of the worst forms of child labor, enforcement is handled by the Guyana National Police.¹⁷³⁷ The Ministry of Labor has 20 labor officers who investigate reports of child labor and exploitative labor activities. They have authority to enter all workplaces to conduct inspections, including inspections concerning child labor.¹⁷³⁸ In addition, the Ministry of Education has responsibility for enforcing provisions of the Education Act relating to the employment of children. As such, the Ministry of Education's attendance officers are authorized to enter any premise or place between 6 a.m. and 5 p.m. on any day except Sunday and inquire whether any child resides or is employed there.¹⁷³⁹ The Police Force has conducted raids on

establishments such as brothels and shops, finding victims of trafficking, including children.¹⁷⁴⁰ MLHSSS collaborates with the Minister of Education and the Police Force to enforce child labor and occupational safety and health laws.¹⁷⁴¹ According to USDOS, the Ministry of Labor lacks sufficient inspectors to enforce child labor laws effectively.¹⁷⁴²

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

During the reporting period, the Guyanese Government continued to participate in a 3.5 year, USD 2 million USDOL-funded project implemented by Partners of the Americas to combat exploitive child labor through education. The project aims to withdraw 951 children and prevent 2,093 children from exploitive labor.¹⁷⁴³ The project also aims to build the capacity of the Guyanese Government to combat child labor, increase awareness of exploitive child labor in the country, and improve educational access for working and at-risk children.¹⁷⁴⁴ During the reporting period, Partners of the Americas, in partnership with the Government of Guyana and UNICEF, carried out an awareness-raising campaign and trained school welfare service officers on child labor and school attendance.¹⁷⁴⁵ The Government of Guyana is participating in a 4-year USD 23,840,500 project funded by the EU and implemented by ILO-IPEC to combat child labor through education in 11 countries. This project aims to support ongoing efforts to eliminate child labor and promote youth employment.¹⁷⁴⁶ In addition, the Government of Guyana and UNICEF continue to implement a 4-year USD 3.3 million cooperative agreement (2006-2010) that includes the promotion of children's rights and protection, child survival, and adolescent development and participation, particularly among vulnerable children such as working children.¹⁷⁴⁷ In partnership with UNICEF, the Government published the results of the Multiple Indicator Cluster Survey conducted in 2006, which provides insights into the situation of children, including child labor, in Guyana.¹⁷⁴⁸ The Government participated in the second phase of a USD 750,000 regional project to combat the worst forms of child labor in the Caribbean,

funded by the Government of Canada and implemented by ILO-IPEC.¹⁷⁴⁹

During the reporting period, the Government of Guyana took part in a regional initiative to raise awareness of trafficking in persons, funded by USDOS and implemented by IOM.¹⁷⁵⁰ The Guyana Police Force instituted a mandatory training to the Criminal Investigations Division Police officers on trafficking in persons. MLHSSS and the National Task Force for Combating Trafficking in persons conducted awareness-raising campaigns on human trafficking, and the Government continued to support efforts to assist victims of trafficking.¹⁷⁵¹

¹⁷²¹ For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01) [consolidated up to 1973]*, No. 14 of 1933, article 2; available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap9901.pdf. For age to which education is compulsory, see Government of Guyana, *Education Act, revised 1999*, Chapter 39:01, article 22; available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap3901.pdf. For free public education, see Government of Guyana, *The Constitution of Guyana, 1980 with 1996 reforms*, (1996), article 27; available from <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>.

¹⁷²² Partners of the Americas, *Child Labour in Guyana: A Descriptive Analysis of Recent Findings*, Georgetown, March 2008, 3, 35-36. See also ILO, *Baseline Study on the Worst Forms of Child Labour in Parika*, Port of Spain, 2005, 52-55, 87; available from www.ilocarib.org.tt/childlabour/library/paprika.pdf.

¹⁷²³ Bureau of Statistics of Guyana and UNICEF, *Guyana Multiple Indicator Cluster Survey 2006*, December 16, 2008, 60 and 127; available from http://www.childinfo.org/files/MICS3_Guyana_FinalReport_2006-2007_Eng.pdf.

¹⁷²⁴ Ibid.

¹⁷²⁵ Partners of the Americas, *Child Labour in Guyana: A Descriptive Analysis of Recent Findings*, 61. See also U.S. Department of State, "Guyana (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 28, 2008, 134; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82805.htm>.

Partners of the Americas, *Educare - Guyana: Combating Child Labor through Education in Guyana*, Technical Progress Report, September 30, 2007, 33. See also U.S. Department of State, "Guyana," in *Country Report on*

Human Rights Practices- 2008, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>.

¹⁷²⁶ U.S. Embassy- Georgetown, *reporting*, February 27, 2009.

¹⁷²⁷ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, part II, articles 2 and 6. See also Government of Guyana, *Education Act (Chapter 39:01)*, articles 17-24. See also Clive Pegus, *A Review of Child Labour Laws of Guyana - A Guide to Legislative Reform*, ILO Subregional Office for the Caribbean, June 2005, 23; available from http://www.ilocarib.org.tt/projects/childlabour/library/legislative_reviews/review-child-labour-law-guyana.pdf.

¹⁷²⁸ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, part I, articles 2-3. See also Government of Guyana, *Education Act (Chapter 39:01)*, articles 17-24. See also Clive Pegus, *A Review of Child Labour Laws of Guyana*, 23.

¹⁷²⁹ Government of Guyana, *Employment of Young Persons and Children Act (Chapter 99:01)*, section 3(3), part I, article 2.

¹⁷³⁰ Ibid., articles 3 and 5. See also Government of Guyana, *Education Act (Chapter 39:01)*, article 20-21.

¹⁷³¹ Government of Guyana, *Constitution of the Co-operative Republic of Guyana*, article 140; available from <http://pdba.georgetown.edu/Constitutions/Guyana/guyana96.html>.

¹⁷³² Coalition to Stop the Use of Child Soldiers, "Guyana," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

¹⁷³³ Clive Pegus, *A Review of Child Labour Laws of Guyana*, 26-27.

¹⁷³⁴ U.S. Department of State, "Country Reports- 2008: Guyana."

¹⁷³⁵ Government of Guyana, *Criminal Law (Offences) Act, Chapter 8:01* articles 69, 70, 73, 351; available from http://www.gina.gov.gy/gina_pub/laws/Laws/cap801.pdf.

¹⁷³⁶ Ibid., articles 86-88.

¹⁷³⁷ Clive Pegus, *A Review of Child Labour Laws of Guyana*, 31.

¹⁷³⁸ U.S. Department of State, "Country Reports- 2008: Guyana," section 6d. See also U.S. Embassy- Georgetown, *reporting*, January 5, 2009.

¹⁷³⁹ Government of Guyana, *Education Act (Chapter 39:01)*, articles 11 and 12.

¹⁷⁴⁰ U.S. Embassy- Georgetown, *reporting*, December 9, 2008.

¹⁷⁴¹ Ibid. See also U.S. Embassy- Georgetown, *reporting*, January 9, 2009.

¹⁷⁴² U.S. Department of State, "Country Reports- 2008: Guyana," section 6d.

¹⁷⁴³ Partners of the Americas, *Educare - Guyana: Combating Child Labor through Education in Guyana*, Project Revision, October 28, 2008.

¹⁷⁴⁴ *Ibid.*, 6.

¹⁷⁴⁵ *Ibid.*, 10-11.

¹⁷⁴⁶ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 18, 2008. See also ILO-IPEC, *Tackle Child Labor through Education: Moving Children from Work to School in 11 Countries*, Geneva, 2008; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=8511>.

¹⁷⁴⁷ Government of Guyana and UNICEF, *Country Programme Action Plan between the Government of Guyana and the United Nations Children's Fund*, February 22, 2006, 8, 10, 12-13; available from

http://www.unicef.org/guyana/GUY_CPAP_SIGN_ED_VERSION-_22JAN06.pdf.

¹⁷⁴⁸ Bureau of Statistics of Guyana and UNICEF, *Bureau of Statistics of Guyana and UNICEF, Guyana Multiple Indicator Cluster Survey 2006*.

¹⁷⁴⁹ ILO-IPEC Geneva official, E-mail communication, December 18, 2008. See also ILO, *IPEC Action Against Child Labour 2008: Highlights*, 2009, 56; available from <http://www.ilo.org/ipeginfo/product/viewProduct.do?productId=9471>.

¹⁷⁵⁰ U.S. Department of State, *U.S. Government Funds Obligated in Fiscal Year 2007 for Anti-Trafficking in Persons Projects*, February 26, 2008; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

¹⁷⁵¹ U.S. Department of State, "Country Reports- 2008: Guyana," section 6d. See also U.S. Embassy-Georgetown, *reporting, December 9, 2008*. See also U.S. Embassy- Georgetown, *reporting, February 27, 2009*.

Haiti

Incidence and Nature of Child Labor

Children in Haiti work on family farms and in the informal sector, such as in street vending.¹⁷⁵² A 2007 household survey, which was carried out by the research firm Macro International Inc. and funded by USDOL, found that more than one-quarter of the sampled workers involved in farming in one department in Haiti are children, primarily contributing to the production of pistachio, corn, peas, millet, sugarcane, manioc, and rice.¹⁷⁵³

The most common form of work for children in Haiti is domestic service.¹⁷⁵⁴ The practice of sending children, particularly girls, from poor rural areas to work as domestic servants for relatively richer families is common. While some of these children, referred to as "restaveks," are cared for and receive an education, many are trafficked into forced labor and abusive situations. Such children receive no schooling; are sexually exploited and physically abused; and are unpaid, undocumented, and unprotected.¹⁷⁵⁵ It is estimated that up to 300,000 children work under the restavek system in Haiti.¹⁷⁵⁶ A requirement to pay a salary to domestic workers 15 years and older encourages employers to

dismiss the restaveks before they reach that age, which in turn contributes to a large population of street children in Haiti.¹⁷⁵⁷ There are an estimated 2,500 street children who live in the capital, many of whom are former domestic servants; it has been estimated that this number may have grown to 3,000 children after many destructive storms impacted Haiti in 2008.¹⁷⁵⁸ Children on the streets work washing car windows, as vendors, as beggars, and also in prostitution.¹⁷⁵⁹

In addition to internal trafficking, children are also trafficked from Haiti to the Dominican Republic.¹⁷⁶⁰ Haitian children trafficked to the Dominican Republic work in domestic service, sex tourism, and agriculture, and they often live in poor conditions.¹⁷⁶¹ Haitian nationals who migrate to the Dominican Republic or Dominican children of Haitian descent often lack citizenship or personal identification and are consequently more vulnerable to exploitive labor situations.¹⁷⁶² Girls are also trafficked from the Dominican Republic to Haiti for commercial sexual exploitation.¹⁷⁶³

Haiti continues to experience a lack of public safety.¹⁷⁶⁴ The poor rural economy, which has been further devastated by natural disasters, has