

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Guyana - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

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yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, the Government consulted [10.1]

a) The most representative employers organizations, b) The most representative workers organizations

92. To which employers organizations was the report sent? [12] Please provide the list

Consultative Association of Guyanese Industry (CAGI)

93. To which workers organizations was the report sent? [13] Please provide the list

Federation of Independent Trade Union of Guyana (FITUG)

94. Please describe the consultation process(es). [10.2]

The responses were shared with the organisations for their feedback.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	<ul style="list-style-type: none"> • In September, 2022, the Ministry of Labour in partnership with The International Organisation for Migration (IOM) led a Private Sector and Labour Migration Stakeholder Workshop to discuss policies regarding the safe and ethical recruitment of migrants when filling gaps in Guyana’s labour force. Link below: https://dpi.gov.gy/iom-hosts-workshop-to-address-migrant-labour-integration-in-guyana/ • The private sector commission of Guyana has publicly endorsed the Government’s efforts to integrate migrants into the local workforce. Link below: https://newsroom.gy/2022/09/02/private-sector-backs-efforts-to-integrate-migrants-into-local-workforce/
95. Did employers organizations comment on the report? [11a]	No

Workers’ organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	<ul style="list-style-type: none"> • In September, 2022, the Ministry of Labour in partnership with The International Organisation for Migration (IOM) led a Private Sector and Labour Migration Stakeholder Workshop to discuss policies regarding the safe and ethical recruitment of migrants when filling gaps in Guyana’s labour force. Link below: https://dpi.gov.gy/iom-hosts-workshop-to-address-migrant-labour-integration-in-guyana/ • The private sector commission of Guyana has publicly endorsed the Government’s efforts to integrate migrants into the local workforce. Link below: https://newsroom.gy/2022/09/02/private-sector-backs-efforts-to-integrate-migrants-into-local-workforce/
96. Did workers organizations comment on the report? [11b]	No

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

<p>61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?</p>	<p>Likely</p>
<p>62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?</p>	<p>There are no impediments envisaged at this time. Importantly, the legislative framework in place to combat forced labour is adequate and gives a steadfast indication of the Government's intention to eliminate this scourge. Futher, Article 140(2) of the Constitution of Guyana provides that no person shall be required to perform forced labour. Furthermore, the Combating of Trafficking in Persons Act, Cap. 10:06, is instructive as it provides comprehensive measures to combat trafficking in persons.</p>

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

<p>63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</p>	<p>No</p>
<p>65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]</p>	<p>Through the National Tripartite Committee mechanism and direct contact with most representative workers and employers organizations.</p>
<p>66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?</p>	<p>No</p>
<p>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</p>	<p>Yes</p>
<p>69. Please describe these measures. [1.5]</p>	<p>2021-2025 National Action Plan for the Prevention and Response to Trafficking in persons in Guyana. Importantly, the Government 2021 allocated USD86,050 for the implementation of this action plan. Some of the projects proposed in this action plan include to: a. Educate children and young adults on the phenomenon of Trafficking in person b. Heightened awareness on the issue of trafficking in persons amongst the general population c. Build the capacity of key stakeholders to enhance prevention measures against TIP d. Enhance victim comfort and security while in care e. Provide appropriate and comprehensive direct assistance to survivors of TIP f. encourage the use of trauma-informed and rights-based perspectives when dealing with TIP</p>

	<p>Investigations and Cases g. enhance the capabilities of Law Enforcement, Task Force and relevant partners to detect, report, investigate and prosecute instances of TIP h. enhance the capabilities of Law Enforcement, Task Force and relevant partners to detect, report, investigate and prosecute instances of TIP i. increase the efficiency of investigative and prosecutorial systems in combating TIP j. increase the efficiency of investigative and prosecutorial systems in combating TIP k. increase law enforcement resources devoted to combating Trafficking l. increase the efficiency of response to reports m. improve cooperation mechanisms among Task Force members and International Partner to Prevent and Combat TIP n. Enhance cooperation mechanisms between Government and Civil Society o. enhance Public – Private Partnership in Combating TIP</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>1. Trafficking In person cases investigated, prosecuted and convictions 2. Child Labour</p>

Measures taken or envisaged for systematic and coordinated action

<p>64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]</p>	<p>The legislative framework in place to combat forced labour is adequate and gives a steadfast indication of the Government’s intention to eliminate this scourge. Article 140(2) of the Constitution of Guyana provides that no person shall be required to perform forced labour. Furthermore, the Combating of Trafficking in Persons Act, Cap. 10:06, is instructive as it provides comprehensive measures to combat trafficking in persons. With respect to the implementation of the National Plan of Action for the Prevention and Response to Trafficking in Persons, between 2017 to 2022, the Secretariat of the Task Force, TIP, Ministry of Home Affairs, conducted a series of training and awareness activities which included: i. One hundred and ten (110) Immigration Officers were trained on the subject of “TIP Victim Identification and Referral.” Additionally, ninety-six (96) persons from the hinterland regions (1,7,8,9) received this training as well. ii. TIP Victim Identification and Referral Training was also done for Community Policing Groups, Corps of Warden (43 trained), Mines Officers (20 trained), and Diplomats (13 trained). iii. Twenty-one (21) persons were trained in Understanding Trafficking in Persons and victim Interviews. iv. A 3-day training course on Trafficking in Persons Training - Identification and Referral was conducted with Medical Practitioners. v. Five police officers and immigration officers benefitted from an Investigation Skills Combat Trafficking in Persons INTERPOL training course in St. Lucia. vi. Thirty (30) Police Prosecutors were trained in the subject area of Prosecution and Trafficking in Persons Offences for Police Prosecutors. vii. A TIP Media Training Course was done which saw twenty-three (23) media personnel participating in the said training. The objective of this training was to provide an understanding of the issue of trafficking in persons and to</p>
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report responsibly on cases which may arise, especially those involving children. viii. TIP indicators training was done for Toshihos and Village Councillors. A total of ninety-five (95) Toshihos representing 45 communities benefitted from this training. ix. Twenty-five (25) Labour and Occupational Safety and Health Officers received training on TIP Victim Identification and Referral Mechanisms. x. Twenty (20) Recruitment Agents/ Agency received training on the Indicators of Trafficking in Persons and the various Referral Mechanisms. xi. Twenty- three (23) Forestry Officers received training on TIP Victim Identification and Referral Mechanisms. xii. Fifteen (15) persons from Civil Society and Probation Officers within Regions # 1,7 and 9, received training on the Indicators of Trafficking in Persons and the various Referral Mechanisms. xiii. Developed and launched the Rights of the Victim Booklet. xiv. Developed a User-Friendly Booklet on the TIP Act. xv. Established a TIP unit at the Geology and Mines Commission. xvi. Established a specialized TIP unit within the Guyana Police Force. xvii. Developed a Standard Operating Procedure for the Investigation and Prosecution of Trafficking in Persons Offences in Guyana. xviii. TIP Billboards were placed at the Cheddi Jagan International Airport and Eugene F. Correia Airport. xix. TIP awareness materials were developed in English, Spanish, French and Portuguese and distributed. xx. Established a new shelter (halfway house) for victims. xxi. Developed a gender-responsive and socially inclusive Trafficking in Persons Training Manual and Training Documentary. xxii. Hosted a virtual symposium, 'SIP and TIP', titled: " Providing Psychosocial Support and Shelter for TIP Victims and Survivors Across Guyana" (Lead by the Counter-Trafficking in Persons Unit). xxiii. Launched a new TIP Reporting Hotline (Spanish); xxiv. Launched a " 592 STOP TIP" Awareness Campaign in Regions 4, 7 and 10. The authority responsible for the implementation, coordination and assessment of these measures is Ministerial Task Force.

Measures taken or envisaged to prevent forms of forced labour

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]

Yes

75. If so, please indicate the type of measures, [2.2]

a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the root causes that perpetuate forced labour,g) Education/vocational training,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations

Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	<p>Yes</p>
<p>77. If so, please indicate the type of measures [3.2]</p>	<p>a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,c) Material assistance for victims,d) Medical and psychological assistance for victims,e) Measures for the rehabilitation and social and professional reintegration of victims,f) Protection of privacy and identity,g) Appropriate accommodation,h) Specific measures for children,i) Specific measures for migrants</p>

Measures taken or envisaged to facilitate access to remedies

<p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p>	<p>Yes</p>
<p>79. If so, please indicate the type of measures, [4.2]</p>	<p>a) Information and counselling for victims regarding their rights,b) Free legal assistance,c) Cost-free proceedings,f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges,g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons</p>
<p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p>	<p>Yes</p>

Non-prosecution of victims for unlawful acts that they would have been forced to carry out

<p>79.g. Please provide a description of measures taken or envisaged:</p>	<p>Provision for authorities not to prosecute victims for acts that they have been compelled to commit Section 11 of the Combating in Trafficking in Persons Act provides for victim immunity from prosecution for migration-related offences, prostitution or any other criminal offence that was a direct result of being trafficked.</p>
<p>79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</p>	<ul style="list-style-type: none"> • Guyanese Nationals • Non-Nationals

Cooperation with other Member States, international / regional organizations or NGOs

<p>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	<p>Yes</p>
<p>82. Please briefly describe the modalities of this cooperation. [5.2]</p>	<p>1. Through technical cooperation from ILO 2. Through technical support from UN agencies</p>

Promotional activities

<p>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</p>	<p>. https://www.unicef.org/guyanasuriname/stories/child-labour-policy-and-national-plan-action • https://newsroom.gy/2021/03/22/action-plan-to-eliminate-trafficking-in-persons-being-developed/ • https://www.minfor.gov.gy/featured/meeting-of-the-multi-agency-coordinating-committee-for-addressing-the-influx-of-migrants-from-venezuela-into-guyana/ • https://nep.facebook.com/104148248078826/posts/national-job-bank-launched-no-fees-will-be-attached-to-utilize-the-national-job-452385469921767/</p>
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Special initiatives or Progress

<p>85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]</p>	<p>Notably, from 2017 to March 2022, a total of one hundred and forty-eight (148) reports were made to the Guyana Police Force. During the said period eighty-one (81) charges were filed, of which forty-eight (48) were TIP charges and there were six (6) TIP convictions. In 2019, an offender was sentenced to fifteen (15) years imprisonment and in 2020 an offender was sentenced to five (5) years imprisonment and ordered to pay restitution of GY\$1.5 million to the victim. Generally, the penalties are either imprisonment and/or to pay restitution. Establishment of an Inter-agency committee to address issues concerning the growing migrant population. Notably, the Committee is co-chaired by the Honourable Hugh Todd, Minister of Foreign Affairs and International Cooperation and the Honourable Gail Teixeira, Minister of Parliamentary Affairs and Governance. Its members include representatives of various Government agencies and International Organizations including the Ministry of Labour, Ministry of Education, UNCHR, IOM etc. It is important to note that the USA State Department's 2021 Report on Trafficking in Persons in Guyana confirms that Guyana fully meets the minimum requirements for the elimination of trafficking in persons, thus maintaining its Tier One status for the fourth consecutive year. The report notes that despite the documented impact of the pandemic on the government's anti-trafficking capacity, the government</p>
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	continued to demonstrate serious and sustained efforts during the reporting year. Those efforts included scaling up investigations, identifying and assisting more victims, creating the first anti-trafficking hotline in Spanish, opening an additional shelter, and creating standard operating procedures for victim identification.
90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	https://www.unicef.org/guyanasuriname/stories/child-labour-policy-and-national-plan-action • https://newsroom.gy/2021/03/22/action-plan-to-eliminate-trafficking-in-persons-being-developed/ • https://www.minfor.gov.gy/featured/meeting-of-the-multi-agency-coordinating-committee-for-addressing-the-influx-of-migrants-from-venezuela-into-guyana/ • https://nep.facebook.com/104148248078826/posts/national-job-bank-launched-no-fees-will-be-attached-to-utilize-the-national-job-452385469921767/

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the Government and the social partners

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	b) Lack of information and data, f) Shortcomings in the legislative framework, g) Lack of resources in the institutional framework, i) Challenges linked to migration policies
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TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]	Yes
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	b) Awareness-raising and mobilization activities => Important c) Collection and analysis of data and information => Most Important d) Guidance on the development of the national policy and plan of action => Most Important e) Strengthening the legal framework => Important

	<p>f) Capacity building for the competent authorities => Most Important</p> <p>g) Inter-institutional coordination => Most Important</p> <p>h) Promotion of fair recruitment and placement practices => Important</p> <p>i) Promotion of fair migration policies => Important</p> <p>j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important</p> <p>k) Basic social security guarantees => Important</p> <p>l) Guidance on supporting due diligence => Important</p> <p>m) Capacity building for employers' and workers' organizations => Important</p> <p>n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Important</p> <p>o) Exchange of experiences between countries or regions; international cooperation => Important</p> <p>p) Other => Important</p>
<p>89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.</p>	<p>The Government is always interested in exchanging experiences and best practices between countries and regions as these discussions could bear fruitful partnerships. Technical cooperation with the ILO is required in the following areas: 1. awareness-raising and mobilization activities 2. collection and analysis of data and information 3. exchange of experience between countries</p>