

GUYANA (2018-2019)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2019 AR: A draft of the Report was sent to the following organizations for comments, with an invitation for a meeting if need arose: the Consultative Association of Guyanese Industries (CAGI) and the Trade Unions Congress and Federation of independent trade Unions of Guyana .</p> <p>2018 AR: No.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Guyana has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	<p>2019 AR: The Protocol is likely to be ratified.</p> <p>2018 AR: The Protocol is likely to be ratified, but more time is needed for consideration at the tripartite meeting.</p>
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	<p>2019 AR: No.</p> <p>2018 AR: There is a national policy and/or plan of action for the suppression of forced or compulsory labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.</p>	
	Measures taken or envisaged for systematic and coordinated action	<p>2019 AR: The National Plan of Action 2019-2020 will see the entities responsible for implementation working towards increasing the arrest, charges and convictions of alleged TIP offenders by 50 percent, also adding to the conviction-charge ratio.</p> <p>2018 AR: The Trafficking in Persons Act imposes prison sentence and offers compensation to victims when employers or persons are found guilty of facilitating forced labour. The Trafficking in Persons unit of the Ministry of Social Protection conducts regular inspections, especially in the remote interior locations and offers counselling and witness protection to victims. The Act is enforced by a Ministerial Task Force including the Trafficking in Persons Unit and the Guyana Police Force.</p>	
	Measures taken or envisaged to prevent forms of forced labour	<p>2019 AR: The measures taken include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers; b) Supporting due diligence by the public and private sectors; c) Addressing the root causes that perpetuate forced labour; d) Promotion of safe and regular migration; e) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and f) Basic social security guarantees.</p> <p>2018 AR: The following measures have been taken or envisaged: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers:</i> outreaches in the interior, sensitisation workshops and seminars; b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i> Trafficking in Persons Act, prosecution of offenders, enforcing the constitutional provision against slavery; c) <i>Regulation and supervision of the labour recruitment and placement process:</i> the Central Recruitment and Manpower Agency supervises and monitors the recruitment and placement of workers; d) <i>Supporting due diligence by the public and private sectors:</i> investigating</p>	

		<p>complaints made by both the private and public sector; e) <i>Addressing the root causes that perpetuate forced labour</i>: transition of the informal to the formal economy; f) <i>Education/vocational training</i>: sensitisation workshops; g) <i>Capacity building for the competent authorities</i>: training of officers at the Trafficking in Persons Unit if the Ministry of Social Protection and training of members of the Guyana Police Force; h) <i>Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations</i>: implementation of the Constitutional right and participation and facilitation of training in trade union education. The Government of Guyana also budgets for annual subventions towards trade union education; and i) <i>Basic social security guarantees</i>: Implementation of the National Insurance Scheme Act, Chapter 36:01.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2019 AR: The measures taken include: 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) Protection of privacy and identity; f) Appropriate accommodation; and g) Specific measures for children and migrants.</p> <p>2018 AR: The following measures have been taken or envisaged: a) <i>Training of relevant actors for identification of forced labour practices</i>: training of public officers especially members of the National Task Force; b) <i>Legal protection of victims</i>: protection stipulated in the Combating of Trafficking in Persons Act; c) <i>Material assistance for victims</i>: clothing, food, school supplies and other necessities are offered and provided to the victims; d) <i>Medical and psychological assistance for victims</i>: counselling for victims; e) <i>Measures for the rehabilitation and social and professional reintegration of victims</i>: victims are referred for training at the Board of Industrial Training and placed in suitable employment by the Central Recruitment and Manpower Agency; f) <i>Protection of privacy and identity</i>: the identity of children victims are always concealed. However, the identities of adult victims are concealed at their request; g) <i>Appropriate accommodation</i>: the government provides safe houses for victims; and h) <i>Specific measures for children</i>: children victims are reintegrated into the school systems, their identities are protected, they are placed in the care of the government if necessary.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2019 AR: The measures taken include: a) Free legal assistance; b) Development of forced labour indicators; c) Access to remedies and compensation; d) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; e) Provision for authorities not to prosecute victims for acts which they have been compelled to commit; and f) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.</p> <p>2018 AR: The following measures have been taken or envisaged: a) <i>Information and counselling for victims regarding their rights</i>: counselling provided by Trafficking in Persons Unit and the National Task Force; b) <i>Free legal assistance</i>; c) <i>Cost-free proceedings</i>: the police department prosecutes matters for victims; d) <i>Access to remedies and compensation</i>: through Court orders; e) <i>Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges</i>; and f) <i>Provision for authorities not to prosecute victims for acts which they have been compelled to commit</i>.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	<p>2018 AR: Section 11 of the Combating in Trafficking in Persons Act provides for victim immunity from prosecution for migration related offence, prostitution or any other criminal offence that was a direct result from being trafficked.</p>
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2019 AR: The Government cooperates with the International Office for Migration- Technical and financial assistance, UNICEF- Technical and Financial assistance in the area of Policy and legislation development and implementation, and the US Government- Financial support.</p> <p>2018 AR: The Government indicates its cooperation with the ILO.</p>
	<p>Promotional activities</p>	

	Special initiatives/Progress	2019 AR: A national Child Labour Policy was launched in 2019 and a National Action Plan 2019-2020 was adopted for TIP.	
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government	<p>2019 AR: The main difficulties are: a) Lack of awareness; b) Social values, cultural traditions- child work in family businesses remains normative in most remote and rural areas and the situation is made worst due to limited access to higher education and poverty-; and c) Social and economic circumstances.</p> <p>2018 AR: The main difficulties are: a) <i>Lack of awareness</i>; b) <i>Lack of information and data</i>: There is usually difficulty in reaching and monitoring the population in remote interior locations; c) <i>Social values, cultural traditions</i>: the Government indicates that in many rural communities and interior locations there is an existing culture of debt bondage and child labour.; and d) <i>Lack of resources in the institutional framework</i>: the National Task Force is financially strained. In addition, the Task Force experiences difficulties in traversing remote areas.</p>	
TECHNICAL COOPERATION NEEDS	Request	<p>2019 AR: Technical cooperation is needed in the following areas: a) Exchange of experiences between countries or regions; international cooperation; b) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; c) Guidance on supporting due diligence; d) Basic social security guarantees; e) Vocational training, job-creation and income-generation programmes for at-risk populations; f) Promotion of fair migration policies; g) Capacity building for the competent authorities; h) Strengthening the legal framework; i) Guidance on the development of the national policy and plan of action; j) Collection and analysis of data and information; k) Awareness-raising and mobilization activities; and l) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle.</p> <p>2018 AR: No.</p>	
	Offer		