

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Guyana - 2023

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

91. When preparing its report, did the Government consult? [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]	Employers and Workers Organizations are usually consulted through the Ministry of Labour's National Tripartite Mechanism which comprises of representatives of workers, employers and the government.
95. Did employers organizations comment on the report? [11a]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	No comments (at the time of submission)

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]	Employers and Workers Organizations are usually consulted through the Ministry of Labour's National Tripartite Mechanism which comprises of representatives of workers, employers and the government.
96. Did workers organizations comment on the report? [11b]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	No comments (at the time of submission)

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

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?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	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. Further, Article 140(2) of the Constitution of Guyana provides that no person shall be required to perform forced labour. Furthermore, the Combating and Trafficking in Persons Bill (No. 7 of 2023), is instructive as it provides comprehensive measures to combat trafficking in persons.

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

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]	No
65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]	Through the National Tripartite Committee mechanism and direct contact with most representative workers and employers' organizations.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	No
67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]	
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]	Yes
69. Please describe these measures. [1.5]	There is a 2021-2025 National Action Plan for the Prevention and Response to Trafficking in persons in Guyana. 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 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 Partnerships in Combating TIP.
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	The data collected and analyzed would provide: 1. The number of Trafficking In person cases reported, investigated, prosecuted and convictions 2. The nature/type of trafficking (e.g. whether labour or sex related) 3. The number of victims, disaggregated according to gender, sex and age. 4. Nationality.
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	
Measures taken or envisaged for systematic and coordinated action	
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]	The legislative framework in place to combat forced labour 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 was recently repealed and replaced by the Combating and Trafficking in Persons Bill (No. 7 of 2023). The objective of this bill is to provide measures to combat trafficking in persons including children and it sets out a litany of criminal offences with extraterritorial effect and this extraterritorial effect facilitates partnership and cooperation between Guyana and other states to prevent and suppress trafficking in persons and of course, it gives a wider scope to punish offenders. For the year, 2023, the measures envisaged fell within the realms of prosecution, protection and prevention. Over one hundred and seventy (170) law –enforcement and community policing groups were trained on the indicators of human trafficking and migrant smuggling along with national referral mechanisms in place to reporting such acts. Awareness and sensitization work was also done with secondary school students.

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, j) Basic social security guarantees.
75.a. Please provide a description of measures taken or envisaged:	The measures include (but are not limited to: (a) Community outreach programmes specifically targeting rural areas/regions. (b) Infomercials (c) Hosting of sensitization Workshops/ Seminars in partnership with key stakeholders such as the Private Sector Commission, International Organisation of Migrants (IOM), other Ministerial agencies, etc.
75.a. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	All groups will benefit, especially: (a) Employees and Employers of the informal business sector (a) Migrants (b) Children
75.b. Please provide a description of measures taken or envisaged:	Comprehensive legislative reform of all labour laws to bring them into conformity with international standards and best practices as it relates to combatting the issue of forced labour, e.g. increasing fines and penalties, addressing loopholes etc.
75.c. Please provide a description of measures taken or envisaged:	The Central Recruitment and Manpower Agency supervises and monitors the recruitment and placement of workers in Guyana.
75.d. Please provide a description of measures taken or envisaged:	Conducting extensive inspections and investigations of complaints filed by employees which may touch and concern the issue of forced labour.
75.e. Please provide a description of measures taken or envisaged:	Facilitating a rights-based transition from informal to formal employment.
75.g. Please provide a description of measures taken or envisaged:	Provision of English language training specifically for migrants. Technical vocational training in areas such as food catering, cosmetology, welding and fabrication etc.
75.h. Please provide a description of measures taken or envisaged:	Training of labour officers Training of officers at the Trafficking in Persons Unit of the Ministry of Home Affairs; Training of members of the Guyana Police Force.

75.i. Please provide a description of measures taken or envisaged:	Launching sensitization campaigns/workshops to raise awareness of the constitutional right to freedom of association. Participation and facilitation of training in trade union education. The Government will also continue to provide annual subventions to the trade unions.
75.j. Please provide a description of measures taken or envisaged:	The measures taken or envisaged for basic social security guarantees include cash grants and vouchers for vulnerable groups including the disabled, school children etc. to offset household/living expenses.

Measures taken or envisaged to protect victims of forced labour

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]	Yes
77. If so, please indicate the type of measures [3.2]	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.
77.a. Please provide a description of measures taken or envisaged:	Organizing training workshops/seminars in partnership with other stakeholders including the Guyana Police Force, Ministry of Human Services and Social Security, Guyana Forestry Commission, and Guyana Geology and Mines Commission (GGMC).
77.b. Please provide a description of measures taken or envisaged:	Legal Protection of Victims Providing a system where victims can lodge complaints at several agencies including the Ministry of Labour, Ministry of Human Services and Social Security, and the TIP Unit, Ministry of Home Affairs. Assistance can also be sought from the Guyana Legal Aid Clinic. Matters are first investigated and if there is sufficient evidence of the commission of a crime under the laws of Guyana, charges are then prepared and filed in the court.
77.c. Please provide a description of measures taken or envisaged:	Material assistance in the form of food hampers, clothing, cash vouchers and other assistance are provided to victims by the Ministry of Human Services and Social Security.
77.d. Please provide a description of measures taken or envisaged:	Free medical screening and counselling services are provided by the Ministry of Human Services and Social Security and the Ministry of Health respectively.
77.e. Please provide a description of measures taken or envisaged:	Counselling for victims and family members experiencing difficulties coping (Ministry of Human Services and Social Security); Issuing of small business cash grants to encourage independency (Ministry of Human Services and Social Security); Regularizing the immigration status of migrant communities at risk of experiencing forced labour.

77.f. Please provide a description of measures taken or envisaged:	Regarding protection of privacy and identity, the identity of child victims is always concealed when it comes to reports, investigations, prosecution etc. Also, the identities of adult victims are concealed at their request. Further the victims are usually placed in Government safe houses and court proceedings would be done in-camera. All relevant officers would be trained to handle these matters with strict professionalism and confidentiality.
77.g. Please provide a description of measures taken or envisaged:	Provision of temporary shelters are provided by the Ministry of Human Services and Social Security.
77.h. Please provide a description of measures taken or envisaged:	Specific measures for children -Revision of all child labour laws to ensure that they are in conformity with international standards and best practices. - National Action Plan for the Elimination of Child Labour (2019–2025) National Child Labour Policy - Establishment of a National Steering Committee on Child Labour - Sensitization campaigns - Sensitization outreaches in Schools across Guyana
77.i. Please provide a description of measures taken or envisaged:	Measures include: a. The development of a Labour Migration Policy (tentative); b. Technical and Vocational Training for Migrants under the Board of Industrial Training (BIT); c. Establishment of an Inter-Agency Committee specifically geared towards addressing the issues of the growing migrant population in Guyana; d. Ethical recruitment training for regulators and employers facilitated by IOM.

Measures taken or envisaged to facilitate access to remedies

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]	Yes
79. If so, please indicate the type of measures, [4.2]	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.
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]	Yes

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

79.a. Please provide a description of measures taken or envisaged:	Launching of community outreach programmes to raise awareness of the rights of workers; Provision of free counselling sessions for victims of forced labour by the Trafficking in Persons Unit and the National Task Force; Distribution of brochures and other information and educational materials on forced labour.
79.b. Please provide a description of measures taken or envisaged:	Free Legal Assistance will be provided through the Legal Aid clinic with support from the other relevant Agencies such as the Ministry of Labour, TIP Secretariat and Task Force, Ministry of Human Services and Social Security.
79.c. Please provide a description of measures taken or envisaged:	Through legal aid clinics, the police force, the Ministry of Labour. These agencies prosecute matters on behalf of the victims/complaints.
79.f. Please provide a description of measures taken or envisaged:	(a) Prosecution training for labour officers and police officers (b) Seek assistance from ILO to facilitate the training and retraining of officers.
79.g. Please provide a description of measures taken or envisaged:	Provision for authorities not to prosecute victims for acts that they have been compelled to commit Section 12 of the Combating and Trafficking in Persons Bill (No. 7 of 2023) provides for victim immunity from prosecution for migration-related offences, prostitution or any other criminal offence that was a direct result of being trafficked.
79.h. Please provide a description of measures taken or envisaged:	Provision of penalties such as the confiscation of assets and criminal liability of legal persons Section 4 of the Combating of Trafficking in Persons Act 2023 imposes criminal liability on persons found engaging in the trafficking of persons. Section 8 of the same act caters for the forfeiture of all property/assets that were used or intended to be used during the commission of this crime. The act also establishes significant fines, charges, and convictions relative to attempts of conspiracy or complicit acts of trafficking.
79.a.-c., f.-h. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Guyanese Nationals and Migrants

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

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]	Yes
81.1. Please specify	b) International and regional organizations, c) Non-governmental organizations.
82. Please briefly describe the modalities of this cooperation. [5.2]	1. Through technical cooperation from ILO 2. Through technical support from UN agencies

Promotional activities

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://moha.gov.gy/minister-of-home-affairs-hon-robesson-benn-m-p-attending-a-trafficking-in-persons-training-for-immigration-officers/>

<https://moha.gov.gy/wp-content/uploads/2023/06/2023-TIP-Teir-1-Press-Release.pdf>

<https://www.state.gov/reports/2023-trafficking-in-persons-report/guyana/>

<https://www.parliament.gov.gy/publications/acts-of-parliament/thecombatingandtraffickinginpersonsact2023>

Special initiatives or Progress

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]

The Combating of Trafficking in Persons Act, Cap. 10:06 was recently repealed and replaced by the Combating and Trafficking in Persons Bill (No. 7 of 2023). It is important to note that the US State Department's 2023 TIP Report confirms once more that Guyana fully meets the minimum requirements for the elimination of trafficking in persons, thus maintaining its Tier One status for the sixth consecutive year. The report notes the government's serious and sustained efforts during the reporting year, which included convicting 3 traffickers; identifying more victims and referring them to services; consistently implementing a 10-day reflection period, including shelter for victims; raising awareness in Indigenous languages; expanding the inclusivity of the Ministerial Task Force on Trafficking in Persons (the Task Force); and initiating a program to screen children in situations of homelessness.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

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.

86.b. Briefly describe the obstacle and the relevant forced labour practice.	There is limited data and statistics on the issue to give effective policy and decision-making.
86.f. Briefly describe the obstacle and the relevant forced labour practice.	The Labour Laws are fragmented, and fundamental shortcomings include outdated fines and penalties.
86.g. Briefly describe the obstacle and the relevant forced labour practice.	There is a need to strengthen the institutional capacity of the Ministry of Labour, especially its human resources capacity. There is a need for more technical, administrative and specialist staff in various areas. Additionally, access to some of Guyana's regions on a regular basis has been proven to be difficult and requires particular forms of transportation such as planes which may not be financially feasible at times.
86.i. Briefly describe the obstacle and the relevant forced labour practice.	Currently, Guyana does not have a comprehensive labour migration policy to address evolving migration trends or to meet the country's needs. This can lead to economic challenges like wage theft, retrenchments, lack of social security, poor employer accountability, mobility issues, and social discrimination. Several Venezuelan migrants are currently in Guyana, and the number is growing.

Workers' organizations

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.
86.b. Briefly describe the obstacle and the relevant forced labour practice.	There is limited data and statistics on the issue to give effective policy and decision-making.
86.f. Briefly describe the obstacle and the relevant forced labour practice.	The Labour Laws are fragmented, and fundamental shortcomings include outdated fines and penalties.
86.g. Briefly describe the obstacle and the relevant forced labour practice.	There is a need to strengthen the institutional capacity of the Ministry of Labour, especially its human resources capacity. There is a need for more technical, administrative and specialist staff in various areas. Additionally, access to some of Guyana's regions on a regular basis has been proven to be difficult and requires particular forms of transportation such as planes which may not be financially feasible at times.
86.i. Briefly describe the obstacle and the relevant forced labour practice.	Currently, Guyana does not have a comprehensive labour migration policy to address evolving migration trends or to meet the country's needs. This can lead to economic challenges like wage theft, retrenchments, lack of social security, poor employer accountability, mobility issues, and social discrimination. Several Venezuelan migrants are currently in Guyana, and the number is growing.

According to the Government

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, j) Challenges linked to migration policies.
86.b. Briefly describe the obstacle and the relevant forced labour practice.	There is limited data and statistics on the issue to give effective policy and decision-making.
86.f. Briefly describe the obstacle and the relevant forced labour practice.	The Labour Laws are fragmented, and fundamental shortcomings include outdated fines and penalties.
86.g. Briefly describe the obstacle and the relevant forced labour practice.	There is a need to strengthen the institutional capacity of the Ministry of Labour, especially its human resources capacity. There is a need for more technical, administrative and specialist staff in various areas. Additionally, access to some of Guyana's regions on a regular basis has been proven to be difficult and requires particular forms of transportation such as planes which may not be financially feasible at times.
86.i. Briefly describe the obstacle and the relevant forced labour practice.	Currently, Guyana does not have a comprehensive labour migration policy to address evolving migration trends or to meet the country's needs. This can lead to economic challenges like wage theft, retrenchments, lack of social security, poor employer accountability, mobility issues, and social discrimination. Several Venezuelan migrants are currently in Guyana, and the number is growing.

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 => Most Important

	f) Capacity building for the competent authorities => Most Important g) Inter-institutional coordination => Most Important h) Promotion of fair recruitment and placement practices => Most Important i) Promotion of fair migration policies => Most Important j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important k) Basic social security guarantees => Most Important l) Guidance on supporting due diligence => Most Important m) Capacity building for employers' and workers' organizations => Most Important n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Most Important o) Exchange of experiences between countries or regions; international cooperation => Most Important p) Other => Most Important.
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.	The government remains 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.