



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Initial report submitted by Guyana under article 73 of the
Convention pursuant to the simplified reporting procedure,
due in 2011***

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Section I

A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including:

(a) **The rank of the Convention in national law and whether the Convention has direct effect or is part of national law through implementing legislation;**

1. The Government of Guyana is keen to honour its international commitments and thus respects the weight of international law. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is an international instrument which under Guyanese legislation does not constitute municipal law until it has been duly passed by the nation's Parliament. Thus within the jurisprudence of Guyana, ratified treaties have the weight of international law and are not considered municipal law without an enabling legislation. The Constitution of the Co-operative Republic of Guyana Act 1980 (With amendments to 12th August, 2003) (hereinafter referred to as the Constitution of Guyana), which has been in force and has been amended in 2003 (article 170) provides that no Bill shall become law unless it has been duly passed and assented to in accordance with the Constitution. Thus the Convention would act as persuasive authority in Guyana.

(b) **Information on the relevant national legislation of the State party regarding the protection of migrant workers and members of their families and on migration policies under the Convention;**

2. According to information provided by the Ministry of Social Protection-Department of Labour, the national Constitution of Guyana, the labour laws, and international labour conventions of the International Labour Organisation (ILO), ratified by Guyana as treaties and international law, provide the legal basis, foundation and framework for the conduct of labour relations by the Government, its agencies, and social partners represented by trade unions and employers and their organisations.

3. The Constitution of Guyana guarantees to all the country's inhabitants the rights explicitly established therein without distinction and discrimination regardless of his/her race, origin, political opinions, colour, creed, age, disability, marital status, gender, language, birth, social class, pregnancy, belief, culture or sex, subject to the rights and freedoms of others and the public interest, to the freedom of conscience, of expression, life, work and association. (Chapter III (Art. 149).

4. The reference to inhabitants in the Constitution implies that it applies equally to both Guyanese and foreign nationals, reinforcing the international law principle of non-discrimination. Specifically, Article 40 (1) of the Constitution provides that "every person in Guyana is entitled to the basic right to a happy, creative and productive life, free from hunger, ignorance and want. That right includes the fundamental rights and freedoms of the individual". Article 140 of the Constitution, provides that no person shall be held in slavery or servitude, nor be required to perform forced labour. Article 145 (1) and (2) guarantees every person the right not to be hindered in the enjoyment of his freedom of conscience, freedom of thought and of religious, freedom to change his religion or belief, and freedom, either alone or in a community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance. Also, no religious community shall be prevented from providing religious instructions for persons of that community. Article 149A provides that no person shall be hindered in the enjoyment of his or her right to work, that is to say, the right to free choice of employment and the Status of Aliens Act Cap 14:04 protects the right of aliens to acquire, hold and dispose of moveable and immovable property of every description in the same manner in all respects as by a commonwealth citizen. The act also protects the right of aliens to acquire titles to moveable and immovable property in succession to an alien or a commonwealth citizen. With reference to the foregoing it can be adduced that the rights of migrant to work, to

freedom of expression, association, among others things as well as the right not be discriminated against based on their origin, sex or ethnicity are protected under the laws of Guyana.

5. Please note that question 18, in particular, lists a number of other pieces of legislation that serve to protect migrant workers and their families.

(c) Measures taken by the State party to fully harmonize its legislation, including the Aliens Act and the Expulsion of Undesirables Act of 1930, with the provisions of the Convention;

6. Most if not all of Guyana's labour laws and the Constitution are in harmony with the provisions of the Convention as it relates the protection of the fundamental human rights and the right not to be discriminated against regardless of a person's race, origin, political opinions, colour, creed, age, disability, marital status, gender, language, birth, social class, pregnancy, belief, culture or sex, subject to the rights and freedoms of others and the public interest.

(d) The existence and scope of bilateral and multilateral agreements concluded with other countries pertaining to the rights of migrant workers and members of their families under the Convention, in particular with Canada, Suriname, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of). Please specify how these agreements protect migrant workers' rights in transit and destination countries, in particular with respect to detention, repatriation, expulsion and family reunification procedures. Please provide information on measures taken to strengthen the protection of Guyanese migrant workers abroad, including by reviewing and amending bilateral and multilateral agreements.

7. The Ministry of Foreign Affairs in answer to the question pointed out that Guyana is not party to any bilateral Conventions that specifically address migrant workers.

8. The Multilateral Conventions which cover the subject of Migrant workers to which Guyana is a State Party are:

(1) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families — 15 Sep, 7 Jul 2010;

(2) C097 — Migration for Employment Convention (Revised), 1949 (No. 97) — 8 Jun 1966;

(3) Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime — 16 Apr 2008;

(4) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime — 14 Sep 2014;

(5) Other Conventions that may be related to the subject indirectly are:

(a) C. 029 Forced Labour Convention 1930 — 08 Jun 1966;

(b) C 111 — Discrimination (Employment and Occupation) Convention, 1958 (No. 111) — 13 Jun 1975;

(c) C182 — Worst Forms of Child Labour Convention, 1999 (No. 182) — 15 Jan 2001;

(d) C 129- Labour Inspection (Agriculture Convention) 1969-19 Jan 1971;

(e) C-045 — Underground Work (Women) Convention 1935-08 Jun 1966;

(f) C050 — Recruiting of Indigenous Workers Convention, 1936 (No. 50) — 08 Jun 1966;

(g) C065 — Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65) — 08 Jun 1966;

- (h) C086 — Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86) — 08 Jun 1966;
- (i) C097 — Migration for Employment Convention (Revised), 1949 (No. 97) — 08 Jun 1966;
- (j) C141 — Rural Workers' Organisations Convention, 1975 (No. 141) — 10 Jan 1983;
- (k) C155 — Occupational Safety and Health Convention, 1981 (No. 155) — 17 Sep 2012;
- (l) C175 — Part-Time Work Convention, 1994 (No. 175) — 03 Sept 1997.

9. The Ministry of Foreign Affairs highlighted that the measures taken to strengthen the protection of Guyanese migrant workers abroad can be found in its ratifications of various multilateral agreements such as:

(1) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: the protections under this Convention apply to the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence. Specifically Article 17 (7) provides that: Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation;

(2) C097 — Migration for Employment Convention (Revised), 1949 (No. 97) — 08 Jun 1966: Article 5 of this Convention provides that in the case of collective transport of migrants from one country to another necessitating passage in transit through a third country, the competent authority of the territory of transit shall take measures for expediting the passage, to avoid delays and administrative difficulties. While Article 7 requires that the measures taken under Article 4 of this Convention shall, as appropriate, include:

- (a) The simplification of administrative formalities;
- (b) The provision of interpretation services;
- (c) Any necessary assistance, during an initial period in the settlement of the migrants and members of their families authorised to accompany or join them;
- (d) The safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them; and
- (e) Permission for the liquidation and transfer of the property of migrants for employment admitted on a permanent basis;

(3) Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime: the Protocol is aimed at the protection of rights of migrants and the reduction of the power and influence of organized criminal groups that abuse migrants. It emphasizes the need to provide migrants with humane treatment, and the need for comprehensive international approaches to combating people smuggling, including socio-economic measures that address the root causes of migration;

(4) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime: though not specific to migration, this Protocol deals with combatting the trafficking of women and children who are vulnerable in cases of migration for employment. The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;

- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives.

2. Please provide information on all policies and strategies relating to migrant workers and members of their families adopted by the State party, such as the “re migrant programme”, including information on specific, time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families in the State party. Please also provide information on resources allocated for implementation and the results obtained.

10. In a June 2007 meeting, Guyana along with other member states of the Caribbean Community, requested assistance in mitigating the negative impacts of the return of those migrants who had been removed from the United States because they did not abide by the nation’s laws. In response to this appeal, the U.S. Department of State Bureau of Western Hemisphere Affairs (WHA) requested IOM to develop the pilot programme in cooperation with the governments concerned and agreed to provide funding. In 2009, responding to the needs of migrants returned to Guyana from the United States of America, the International Organisation for Migration (IOM) opened an office in Guyana as part of this pilot programme to assist migrants to successfully reintegrate into society. The programme, which was designed to provide assistance on a voluntary basis included, awareness raising campaigns, orientation for returnees, psycho-social counselling, professional, vocational and business management training and job placement, drug rehabilitation for those who need it, and grants to start businesses. As part of the scheme, the Government of Guyana signed co-operative agreements with IOM which allows the Organisation to open offices in the country to begin providing services to the returnees. IOM expects to register an average of two hundred, fifty (250) returnees in Guyana each year.

11. As part of its scheme relating to migrants, the Ministry of Foreign Affairs (MoFA) in conjunction with the Guyana Revenue Authority (GRA) developed a Re-migrant Programme to assist returnees to Guyana. Under section 23 Customs Act Cap 82:01 certain concessions are to be granted to qualifying re-migrants, so as to encourage Guyanese residing overseas to return home. It is incentive-based and citizens of Guyana, aged 18 years and over, who can show that they have resided legally overseas for a minimum of five consecutive years as well as students who have spent four years abroad studying may be granted re-migrant status and receive tax concessions. The Ministry of Foreign Affairs is responsible for determining and granting re-migrant status while the Guyana Revenue Authority administers the tax concession.

12. The Guyana Diaspora (GUYD) was also implemented by the Government of Guyana through the Ministry of Foreign Affairs in partnership with the International Organizations for Migration (IOM). It seeks to engage the Guyanese Diaspora all over the world and facilitates the collection of data on skills, experiences, their return interest and plans of those willing to support development individually or through organizations and institutions within Guyana.

13. With the view of protecting migrant workers and members of their families, the Ministry of Foreign Affairs, as a part of preparations for the negotiations for the Global Compact for Safe, Orderly and Regular Migration also collaborated with the International Organization for Migration to convene a “National Consultative Meeting on the Global Compact for Migration (GCM)”. This meeting was held with a view of engaging both public and private sector stakeholders to inform Guyana’s position. The Global Compact for Safe, Orderly and Regular Migration presents a non-legally binding, cooperative framework of actionable commitments that will be agreed upon by Member States. The GCM rests on several core international human rights treaties, including the International Labour Organization conventions on promoting decent work and labour mobility.

14. According to the International Labour Organisation, the GCM “offers the international community the opportunity to improve workplace productivity and deliver decent work outcomes for migrant and national workers, as well as to shift current

misperceptions of migration, by readjusting migration policies to effectively include all labour market aspects”.

15. Included in the Draft Compact are proposed commitments to enhance the availability and flexibility of pathways for regular migration, to facilitate fair and ethical recruitment and safeguard conditions that ensure decent work, to empower migrants to realize full inclusion in host societies, to facilitate the recognition of skills at all levels, to establish mechanism for the portability of earned benefits and entitlements and to promote faster, safer and cheaper transfer of remittances, among others. Objective 5 of the Zero Draft Plus of the Global Compact, for example recommends States “facilitate family reunification for migrants at all skill levels by integrating provisions in migration laws and policies that remove barriers to the realization of the right to family unity and family life,” while Objective 6 recommends that States ensure work visas are portable and modifiable in order to prevent labour and human rights violations. If adopted the Global Compact for Migration will commit to taking possible action on the recommendations, including updating national legislation.

3. Please provide information on the government ministry or institution responsible for intergovernmental coordination on the implementation of the Convention in the State party, including information on the available staffing and resources, as well as monitoring activities and follow-up procedures. Please also provide information on the mandate of that ministry or institution and the resources allocated to it for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention.

16. Presently, no government ministry or institution has been identified for the intergovernmental coordination on the implementation of the Convention. However, the collating of the information for this report was undertaken by a central Governance unit with limited human and financial resources. The lack of these resources, in most cases, lead to a delay in preparation of reports because of the fact that the workload expected to be carried by the unit is onerous.

17. The Governance Unit intends to advance recommendations for the setting up of an interagency taskforce on the implementation of the convention.

4. Please provide qualitative information and statistical data, disaggregated by sex, age, and nationality and migration status, on labour migration flows to and from the State party, including returns, on other labour migration-related issues and on children left behind by migrant parents. Please also provide qualitative and statistical data, or if precise data are not available, then studies or estimates, on migrant workers in an irregular situation in the State party and abroad. In addition, please provide information on measures taken by the State party to establish a coherent and comparable system of data collection on these issues, including measures aimed at making the information public.

18. No information disaggregated by sex and age on labour migration flow to and from Guyana is available and there has been no collection of data on children left behind by migrant parents. Below is information on the total number of visas and work permits/ extensions which have been granted during the period 2014–2016 which gives an idea on the migration flow to Guyana.

19. Table below presents the total amount of nationalities and work permits and extensions of stays granted for the period 2014, 2015 to June 30th, 2016.

<i>Year</i>	<i>Work Permit/Extension of Stay Granted</i>	<i>Number of Nationalities</i>
2014	1 117	1 117
2015	1 525	1 525
2016–June 30th	194	194
Total	2 836	2 836

Break down of Visa Issued from 2014 to June, 2016

Year	Applications		Business Visa	Courtesy Visa	Employment Visa	Student Visa	Visitors Visa
	Received	Nationalities					
2014	1 473	1 473	61	236	790	103	283
2015	1 171	1 171	92	160	569	62	288
2016	880	880	62	151	306	20	341
Total	3 524	3 524	215	547	1 665	185	912

5. **Please provide information on whether the State party has established an independent mechanism, such as a national human rights institution, as foreseen by article 212 of the Constitution of Guyana, which has the explicit mandate of independently monitoring the human rights situation within the State party, including the rights of all migrant workers and members of their families under the Convention. Please also provide information on complaints mechanisms and other services, including helplines, offered by that institution and on whether the institution visits detention centres for migrants, should such centres exist. In addition, please provide information on the human, technical and financial resources made available to the institution and on awareness-raising activities carried out by the State party among the general public and migrant workers, in both urban and rural areas, in particular on the services offered by the institution, including the right to file a complaint directly with the institution.**

20. Presently, there is no national human rights institution in Guyana, as foreseen by article 212 of the Constitution, which has the explicit mandate of independently monitoring the human rights situation in Guyana. However, there are other rights commissions which are involved in the protection of the fundamental human rights.

21. For instance, the Rights of the Child Commission coordinated with the Child Care Protection Agency to protect the rights of all children (inclusive of migrant children). This Commission was involved in the implementation work that was undertaken to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography which seeks to protect children from human trafficking, sexual exploitation, and the worst forms of labour among other crimes against children.

6. **Please provide information on the steps taken by the State party to promote and publicize the Convention and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families, employers, teachers, health workers, the media, civil society representatives and government officials, including law enforcement officials and the judiciary, within the State party. With respect to migrant workers who are nationals of the State party working abroad, please describe the measures taken by the State party to promote training programmes on the human rights of migrant workers and their families, including on gender sensitivity and the rights of the child, for government staff providing legal and consular assistance to nationals of the State party abroad dealing with migration and related issues, including workplace abuse and exploitation and discrimination faced by migrant workers. Please also describe the measures taken to promote training programmes on the human rights of migrant workers or members of their families who have been arrested, held in prison or migration-related detention centres, placed in custody pending trial or detained in any other manner, subject to expulsion or repatriation.**

22. As mentioned above the Ministry of Foreign Affairs collaborated with the International Organization for Migration to convene a National Consultative Meeting on the Global Compact for Migration. The meeting was organised with the objective of providing a forum at which government agencies, civil society organisations and other stakeholders could provide recommendations that would contribute to Guyana's input during the final phase in the process towards the adoption of the GCM.

7. Please provide information on the cooperation and interaction between the State party, civil society organizations and other social partners working on the rights of migrant workers in relation to the implementation of the Convention. Please indicate whether and how the representatives of civil society organizations and other stakeholders will be involved in preparing the replies to the present list of questions.

23. This report is the outcome of a process involving a series of meetings and consultation with various state institutions and a few representatives of civil society. Most of the information was gathered from government ministries/institutions because of time period in which the report was expected to be prepared. Thus much input was not made members of civil society.

24. The following persons from the civil society took part in the preparing of the report:

- Mr. Robert Natiello, Regional Coordination Officer for the Caribbean-Chief Mission in Guyana- International Organisation for Migration (IOM);
- Ms. Eraina Yaw- International Organisation for Migration (IOM);
- Ms. Shayla Fields -International Organisation for Migration (IOM).

25. The following persons were invited to participate:

- Mr. Amar Panday- Rights of the Child Commission;
- Mrs. Diana Swan-Lawrence- Women and Gender Equality Commission.

8. Please provide information on the existence of private employment agencies in the State party recruiting migrant workers to work abroad and on the laws, rules and regulations pertaining to private recruitment, in particular information on measures to protect migrant workers from labour abuse and exploitation.

26. Aside from the Constitution and the various labour laws and regulations there is no specific law or regulation which addresses private employment. The Department of Labour stated that it was not aware of any private recruitment agency in Guyana recruiting migrant workers to work abroad. The various labour laws and regulations which protect workers who are nationals of Guyana from labour abuse and labour exploitation also protect migrant workers resident in Guyana.

B. Information relating to the articles of the Convention

General principles

9. **Please indicate whether the Convention has been directly applied by officials in the administration and whether it has been invoked directly before the courts. If so, please provide examples. Please provide information on:**

(a) **Judicial and administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including migrant workers in an irregular situation;**

(b) **The number and type of complaints examined by such entities in the past five years and their outcome, disaggregated by sex;**

(c) **Whether legal assistance was provided;**

(d) **Any redress, including compensation, provided to the victims of such violations;**

(e) **Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.**

27. The Guyana Legal Aid Clinic provides representation on employment matters and receives heavy state subsidies for its general work. The Convention provides persuasive authority and can be utilized as such in court to reinforce arguments on matters related to migrant workers.

Part II of the Convention

Article 7

10. **Please clarify whether national legislation, in particular the Constitution of 2003 and the Prevention of Discrimination Act of 1997, ensures that all migrant workers and members of their families enjoy the rights provided for in the Convention without distinction of any kind and whether the legislation covers all the prohibited grounds of discrimination enumerated in the Convention (arts. 1 (1) and 7), including sex, language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status. Please provide information on all the measures taken by the State party to ensure non-discrimination, both in law and in practice. Please also provide information on the measures taken with the aim of harmonizing the principle of non-discrimination with immigration legislation, including the Expulsion of Undesirables Act, and of implementing it.**

28. As elucidated earlier, the Constitution of Guyana Act 1980 (With amendments to 12th August, 2003) guarantees to all the country's inhabitants the rights explicitly established therein without distinction and discrimination regardless of race, origin, political opinions, colour, creed, age, disability, marital status, gender, language, birth, social class, pregnancy, belief, culture or sex subject to the rights and freedoms of others and the public interest. The reference to inhabitants in the Constitution implies that it applies equally to Guyanese and all foreigners, reinforcing the international law principle of non-discrimination.

29. Article 149D (1) of the Constitution provides for equality of all persons before the law while article 149D (2) places the responsibility on the state to take legislative and other measures to protect disadvantaged persons and persons with disabilities for the purposes of promoting equality. Further to this, article 149D (3) stipulates equality as including the full and equal enjoyment of all rights and freedoms guaranteed by or under Guyana's Constitution or other laws.

30. Article 29 of the Constitution states provides protection for women against discrimination. It provides equal rights for both men and women accord them the same legal status in all spheres of political, economic and social life. Under the Constitution all forms of discrimination against women on the basis of their sex is illegal. In addition, the Constitution lists a number of women's rights, such as the access to academic, vocational and professional training, equal opportunities in employment, remuneration and promotion, and paid leave for mothers and expectant mothers.

31. All employers, at the time of recruiting labour must observe the provisions of the Equal Rights Act, No. 19 of 1990 and the Prevention of Discrimination Act No. 26 of 1997. The Prevention of Discrimination Act in its interpretation states that the Act is one which provides for the elimination of discrimination in employment, training, recruitment and membership of professional bodies and the promotion or equal remuneration to men and women in employment who performs work of equal value, and for matters connected therewith. In conformity with the Constitution and the CMW, Article 4 of the Prevention of Discrimination Act specifically states, with limitations, that discrimination on the grounds of race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age is prohibited. The limitations being for the purposes of retirement and restrictions on work and employment of minors. Article 5(1) further prohibits discrimination by an employer or someone acting on behalf of an employer in; (a) the advertisement of the job, (b) in the arrangements made for the purposes of determining who should be offered that employment, (c) in determining who should be offered employment and, (d) the creation, classification or abolition of jobs.

Part III of the Convention

Articles 8–15

11. **Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, in both regular and irregular situations, in particular those working in mining, agriculture and forestry. Please also provide information on any cases identified in the State party of domestic servitude, forced labour, and sexual exploitation, including commercial sexual exploitation, involving migrant workers, in particular women and children and especially in the context of sex tourism, and on measures to prevent and combat these phenomena. In addition, please provide information on the measures taken to bring national legislation into compliance with the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).**

32. In its National Plan of Action for the Prevention and Response to Trafficking in Persons Report 2017–2018, the Ministerial Task Force on Trafficking in Persons (TIP) recognized that it is an extremely important aspect of any government's fight against trafficking in persons is its effort to prevent the crime from occurring in the first place. The Task Force noted that there are many methods in existence which can be utilize to deter prospective offenders from perpetrating the crime.

33. The Task Force on TIP has noted that the modus operandi of the interiors in Guyana is much different to that of the capital city of Georgetown and this is reflected in its Prevention Programme. One of the first steps in creating and successfully implementing an effective Prevention Programme is ensuring that there are skilled personnel to carry out the implementation. During 2017, the government of Guyana finalized, released and began implementing the 2017–2018 anti-trafficking national plan of action. In February of 2017, the First Lady of Guyana organized two-day meeting with other Caribbean countries to discuss gender-based violence, including trafficking. The government conducted a variety of awareness-raising activities including a flash-mob targeting Authorities participated in various events surrounding the annual Gold Miners Week including facilitating several anti-trafficking awareness sessions focused on the mining and logging sectors outside the capital. The government did not make efforts to reduce the demand for commercial sex acts. During the reporting period, authorities conducted approximately 1,000 impromptu labour inspections in the capital and the interior.

34. In Guyana conventions may be used by the courts as guides and stakeholders are usually encouraged to embrace the provisions thereof. Consultations with the Ministry of Social Protection, Department of Labour revealed that measures taken by the competent authority to establish and enforce a distinction between the forms of compulsory service which are in accordance with Article 2 of the Forced Labour Convention 1930 (No.29) can be found in Section 2 of the Combating of Trafficking in Persons Act #2 of 2005. And with regards to Article 25 of the aforementioned Convention, a ministerial task force on Trafficking in Persons has successfully persecuted individuals for infractions of the Combating of Trafficking in Persons Act.

12. **Please provide detailed information on the measures taken to investigate complaints of harassment, corruption and abuse of authority by law enforcement officials, including allegations of extortion and arbitrary detention, with regard to migrant workers and members of their families. Please indicate the number of complaints received and investigated in the past three years, as well as the number of law enforcement officials who have been investigated, prosecuted and convicted in this regard, specifying the nature of the charges made and sentences imposed.**

35. Anyone wishing to approach the Police Complaints Authority may do so. The Authority will formally investigate all complaints and make recommendations, as the case may be, to the Director of Public Prosecution to institute charges, to the Commissioner of Police internally discipline police officers or to the Police Service Commission to discipline higher ranking police officers.

Articles 16–22

- 13. Please provide information as to whether migrants in the State party can be detained because of their immigration status and how the State party implements article 8 of the Expulsion of Undesirables Act. Please describe the due process safeguards that exist in situations of investigation, arrest, detention and expulsion of migrant workers and members of their families for criminal offences and administrative infractions, including immigration-related matters. Please provide detailed information on immigration detention centres, conditions of detention for migrant workers and efforts to improve those conditions. Please indicate whether the State party has in place alternatives to detention for immigration-related matters.**

36. According to the Central Immigration and Passport Office of Guyana, immigrants can be detained once they are in breach of the Immigration legislation. Section 34 of the Immigration Act Cap 14:02 makes it an offence for a person entering or departing Guyana by various means to: (a) refuse to answer questions referred to in section (8) (1) (a) of the Act, (b) knowingly and willingly gives untrue answer to such questions or (c) refuse to furnish the immigration officer with the list referred to in section 8 (1) (b). An immigrant may also be detained for illegal entry into Guyana, overstay, etc.

37. With regard to the safeguards that exist, the Central Immigration Department stated that any immigrant (inclusive of migrant workers that violates the provisions of the Immigration Act) is arrested, charged and placed before a court of competent jurisdiction, that is, a Magistrate's Court. That court would then make the final decision on whether a fine, imprisonment or an order for deportation should be instituted. Where a deportation order has been made, the migrant is then handed over to the Central Immigration where the order would be carried out as ordered by the magistrate.

- 14. Please provide detailed information on the measures taken, such as the revocation of article 9 of the Immigration Act and article 11 of the Expulsion of Undesirables Act, to ensure that, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, irregular migration is not considered a crime.**

38. No measures have been taken to ensure that irregular migration is not considered a crime.

- 15. Please provide information on measures taken to ensure that, in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand.**

39. The Central Immigration and Passport Office confirmed that any migrant worker (regular or irregular) who engages with the Immigration Office are provided with translators when the need arises. In the case of irregular migrants, their State of Origin's embassies or consulate, present in Guyana, are contacted for documentations and to provide them with any other assistance.

- 16. Please provide information on measures taken to ensure that migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority, following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal. Please include information on the due process safeguards provided in cases of expulsion from and denial of entry into the country.**

40. The Central Immigration Department pointed out that any immigrant who violates the Immigration Act would be arrested, charged and placed before the court. Deportation takes place only when it has been ordered by the Court and is carried out by the Immigration Office. No other information was provided by the Department.

Articles 23

- 17. Please provide detailed information on the roles of the State party's embassies and consulates in assisting and protecting migrant workers who are nationals of the State party working abroad, including those in an irregular situation, particularly in cases of abuse, arrest, detention and expulsion. Please indicate whether legal assistance is provided whenever the rights recognized in the Convention are violated, including in cases of detention and expulsion. Please provide information on the policies and practices of the State party in this regard.**

41. The Ministry of Foreign Affairs pointed out that Guyana's embassies and consulates overseas provide the usual consular services including issuing visas and work permits, prison visits and other representation as deemed necessary.

Articles 25–30

- 18. Please indicate whether national labour laws and regulations relating to remuneration and conditions of work (for example, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of work contract and minimum wage) are in full compliance with the ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and whether they are enjoyed by nationals on an equal basis with migrant workers, in both regular and irregular situations.**

42. After consultation with the Ministry of Social Protection-Department of Labour it was revealed that national labour laws and regulations relating to conditions of work are in full compliance with ILO Equal Remuneration Convention, 1951 (No. 100), and the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It is important to reiterate that the Prevention of Discrimination Act prevents discrimination and distinction in employment, training, recruitment and membership of professional bodies on the grounds of race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age. Thus the benefits provided for by the labour laws and regulations are to be enjoyed equally by nationals and non-nationals alike. With regards to the ILO Equal Remuneration Convention, 1951 (No. 100), Both the Equal Rights Act and article 9 of the Prevention of Discrimination Act provides that every employer and every person acting on behalf of such employer has an obligation to pay equal remuneration to men and women performing work of equal value for such employer.

43. In compliance with the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the laws of Guyana prescribe provisions for the treatment of wages, normal hours of work and overtime, leave with pay, safety, health and welfare, termination of employment and severance pay and other matters related to employment.

44. Under the Holidays with Pay Act No. 6 of 1995 employees are entitled to paid holidays after each 6 or 12 months. Minimum holidays are set out in the Act and Article 3 (2) provides that every worker being in employment shall be allowed a period of holidays with pay of not less than one day for each completed month of employment computed from the date of engagement. Further to this, Article 3 (7) makes any agreement between an employer and employee, for the employee to receive any less benefit that he is entitled to under the Act of no effect. The Act further prescribes that every employer must keep records to show that the provisions of the Act are being complied with in respect of persons in his employment. Article 9 provides for the employer to be liable on summary conviction to a fine if he/she fails to comply with any of the provisions of the Act set out therein.

45. The Termination of Employment and Severance Pay Act Cap 99:08 (TESPA) provide for the conditions governing termination of employment, and the grant of redundancy or severance payment to employees for reasons connected with redundancy. The Act defines unfair dismissal and the process of termination, including termination on the grounds of redundancy and the formula for severance pay. Article 8 of TESPA prohibits an employee's race, sex, religion, colour, ethnic origin, national extraction, and social origin, political opinion among other things as being reasons that would constitute good or

sufficient cause for dismissal or for the imposition of disciplinary action. Women workers are protected during pregnancy and after childbirth from discrimination, disciplinary action or dismissal for her pregnancy or reasons connected with her pregnancy by the Constitution, Termination of Employment and Severance Pay Act and the Prevention of Discrimination Act.

46. Minimum wage rates are set through Minimum Wage Orders made under the Labour Act and Wages Council Act. Article 7 (1) of the Labour Act Cap 98:01 empowers the Minister of Labour to take steps to regulate the wages paid in any occupation in Guyana whenever he deems expedient or he may appoint an Advisory Committee to investigate the conditions of employment in such occupation and to make recommendations as to the minimum rates of wages which should be payable. There is not a national minimum wage, but rates are set for a number of occupations and industries. There is no difference in rates for male and female employees. Where rates have not been fixed by a minimum wage order wages can be agreed upon by individual or collective agreement. Nothing prohibits the payment of higher rates than those fixed by minimum orders.

47. Article 29 of the Labour Act, also gives the minister the discretion to make regulations prescribing the number of hours which may normally be worked by an employee in any week or on any day in any occupation, and the time to be allowed by an employer to an employee for his meals. The normal hours of work is generally eight (8) per day except otherwise prescribed by statute. For all hours worked in excess of the prescribed or agreed hours, payment shall be made at 1.5 times the basic hourly rate. Employees working at worksites deemed a factory shall be paid a premium for all hours worked on a Sunday or Public Holiday.

48. The Occupational Safety and Health (OSH) Act No.32 of 1997 is the primary legislation governing Safety and Health in the workplace. Its purpose is to protect workers against unsafe and unhealthy working conditions. It sets out the rights and duties of all parties in the workplace and procedures for the enforcement of the legislation in the absence of voluntary compliance. The act is based on a joint responsibility system whereby the employer and workers work together to identify problems and develop the relevant solutions. The Act requires the employers to have a Safety and Health Policy and Programme to implement the policy. General duties and responsibilities of an employer are contained in section 46 of the Act while the general duties of a worker are contained in section 49. Other provisions for the health and welfare of workers are also provided for under the Labour (Conditions of Employment of Certain Workers) Act No. 18 of 1978 and the Shops (Consolidation) Act Cap 91:04.

49. The OSH Act stipulates that every industrial establishment (every business) must be registered with the Ministry of Labour, Occupational, Safety and Health Division and that the division must be notified of all industrial accidents.

- 19. Please provide information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have access to health-care services, including urgent medical care.1 In addition, please indicate whether the children of migrant workers, in both regular and irregular situations, have access to education on an equal basis with the children of nationals of the State party.**

50. The right of everyone to enjoy the highest attainable standard of physical and mental health is established in the World Health Organisation (WHO) Constitution of 1948 and it was accepted by the Cooperative Republic of Guyana. After consultation with the Ministry of Public Health (MoPH), it was revealed that Guyana has complied with ratified international human rights standards and conventions which exist to protect the rights of migrants and refugees, including their right to health. According to the International Organization for Migration (IOM) in Guyana, there are an estimated 28,000 migrants living and working in Guyana of which close to 20,000 are from Brazil. Many are miners, loggers, sex workers among others who engage in other means of livelihoods. There are also Venezuelans, Surinamese, Chinese, Caribbean Community and Common Market (CARICOM) citizens and other nationals living and working in Guyana. Preliminary data (2017) suggest that 4,122 none Guyanese (not holder of Guyana Birth Certificate or ID

Cards) were seen and treated for illness at Public Health Facilities in Guyana. This is an increase of 1,277 (30.9%) registered in 2016 at public health facilities in Guyana. MoPH has implemented the adult immunization program for the migrant population and in 2017; some 26,000 yellow fever vaccines were administered with 987 doses delivered to non-nationals. Migrant workers with families are also attended to in accordance with the contingent rights of migrants from CARICOM and South American countries, a basic package of services includes Immunization, Maternal and Child care, emergency care (Accidents, Injuries and medical emergencies), diagnosis and treatment of common NCD such as Diabetes and Hypertension which included the standard laboratory test and X-rays. All medicines and other services are provided free of cost and public health facilities cannot refuse to attend to anyone presenting for treatment. The PAHO/WHO Guyana country office, in collaboration with MoPH and other stakeholders have begun to address the health issues associated with migrants. For example, in July 2017, there was an EPI and Yellow Fever Campaign in Region 9 which borders Brazil. The IOM has also conducted several activities in relation to HIV prevention, behaviour change communication and HIV counselling and testing among loggers, miners and female sex workers. There have also been joint efforts in border health between Guyana and Suriname.

51. Article 27 (1) of the Constitution of Guyana provides for the right to free education while article 27 (2) states that it is the duty of the State to provide education that would include curricula designed to reflect the cultural diversities of Guyana and disciplines that are necessary to prepare students to deal with social issues and to meet the challenges of the modern technological age.

52. After consultations with the Ministry of Education (MoE), it was revealed that the Education Act of Guyana imposes a duty on all parents to cause their child/children to receive efficient elementary instruction in reading, writing and arithmetic. Parents, the Act states, shall be liable to the orders and penalties provided therein. Despite the fact that the Constitution refers to citizen, meaning a national of Guyana or a Commonwealth national the MoE has stated that children of migrants living and working in Guyana have not been denied equal access to education as children who are nationals of Guyana but rather have been registered and are receiving instruction in schools at the nursery, primary and secondary levels in Guyana. Statistics gathered from the Department of Education revealed that between the period September 2017 and March 2018 approximately 35 migrant children were registered in schools at the secondary level, 41 at the primary level, and 8 at the nursery level. The Regional Education Officer (REDO) of Region 1 (Barima-Waini) confirmed that there are approximately 74 Venezuelan children who are registered in schools across the region. He stated that 33 are males while the remaining 41 are females. It was further revealed that, however, that there is no national policy in place to have these children taught in Spanish in region 1, which is a disadvantage to most of them since they are Spanish-speaking children. The REDO confirmed that, in practice, equal treatment have been given to both children in regular and irregular situations despite there being no written national policy to support such action.

20. Please provide information on the measures taken by the State party to ensure the right of children of migrant workers abroad, including the children of migrant workers who are undocumented or in an irregular situation, to be registered at birth and to have their nationality of origin be recognized in law and in practice. Please also provide information on the measures taken to ensure the registration at birth of foreign migrant children in the State party.

53. Article 44 of the Constitution and the Citizenship Act Cap 14:01 provide for all children born to Guyana parents outside of Guyana to become citizens at the date of their birth. The Honourable Minister of Citizenship, Winston Felix, at a committee meeting, stated that a child born out of Guyana is entitled to citizenship whether one or both parents were Guyanese. The following must be satisfied for a child to be registered as a citizen of Guyana:

- (1) The person to be registered must be born on or after 26th May 1966;
- (2) At least one parent whose name is recorded on the Foreign Birth Certificate MUST be a Guyanese by Birth;

(3) An original birth certificate together with an official translation, if it is not in the English language, of the person to be registered must be submitted. The birth certificate is to be certified in the country where it is issued;

(4) A copy of the birth certificate of the Guyanese parent must accompany application. The parent's name on birth certificate must correspond with the one stated on their child's foreign birth certificate. In the event that it does not, documents such as deed poll (change of name document); affidavit of identity or marriage certificate in the case of married women should be submitted with the application. Additional documents may be required and will be requested if necessary.

54. The process of registration requires that the parent(s) and child come to Guyana or go to Guyana's Missions overseas and present the birth certificates of the child and the parent(s), after which the process of registering that child commences. If they chose to come to Guyana they would be directed to the General Registrar's Office where the child's birth would be registered, the foreign birth certificate would be collected and a Guyanese birth certificate would be issued. With the acquisition of this birth certificate that child could secure a Guyana passport. The process would be somewhat different for those children born to Guyanese parents who were born before Guyana became independent, in that the processing for such registration would be done at the Immigration Support Services section of the Department of Citizenship.

55. As regard children born of migrant parents living in the Guyana, Article 43 of the Constitution provides that every person born in Guyana after the commencement of the Constitution shall become a citizen of Guyana at the date of his/her birth except in cases where his/her mother possess immunity from suit and legal process as accorded to an envoy of a foreign sovereign power to Guyana and neither of them is a citizen of Guyana; or his/her father or mother is an enemy alien and the birth occurs in a place then under occupation by the enemy.

Articles 31–33

21. Please describe the measures taken to ensure that migrant workers arriving in or preparing to come to the State party have access to clear information on immigration procedures, including full information on the conditions applicable to their admission, stay and the remunerated activities in which they may engage, as well as applicable laws and legislation in force.

56. Central Immigration and Passport Office noted that copies of Guyana's Immigration laws and visa requirements are accessible to migrant workers online. The Ministry of Foreign Affairs has made available all the necessary forms such as visa application form, work permit form etcetera on their website. Migrants also have access to an advisory which will guide them on whether or not they would require a visa to enter Guyana as well as the type of visa they would require as well cost for processing such a visa. There are five (5) categories of Visas which are issued by the Government of Guyana:

- (a) Visitor;
- (b) Employment;
- (c) Business;
- (d) Student;
- (e) Courtesy.

57. According to the Department of Citizenship, citizens of countries which require visas to enter Guyana may be landed by the Immigration Officer for three months on the first instance and with a facility to extend this stay on two subsequent occasions for one month each. CARICOM nationals are entitled by law to be landed for six (6) months under section 4 of the Caribbean Community (Free Entry of Skilled National) Act Cap 18:08. Migrant workers arriving in Guyana must obtain a visa if they are coming from a country from which a visa is required (the list of countries requiring a visa is available on the Ministry of Foreign Affairs Website). The Immigration Officer would land the foreigner

under section 12(1A) (d) of the Immigration Act. Apart from this requirement, they must show proof of a job offer in Guyana and obtain work permit. An employment visa is a multiple entry visa valid for three (3) years and carries a cost of US\$140.00. Note that foreign nationals that require visas for entry into Guyana can obtain a visa prior to departure at a Guyana Embassy, High Commission or Consulate. Alternatively, tourist, student and business visas can be obtained at ports of arrival. Officials have also noted that in some cases, the possession of American, Canadian, British or European Union “Schengen” visas may be used in Guyana as bona fides for foreign nationals.

58. With regard to information about the remunerated activity, no measure has been taken to provide information on such, however, the Department of Citizenship-Immigration Support Services did point out that the onus is upon the migrant to make contact with the would-be employer to access all the information that they need about the remunerated activity in which they would be engaged. The Department also noted that there are Immigration Offices at the ports of entry into Guyana where migrants can access the relevant information that they need about the requirement for admission into Guyana as well as the applicable laws and legislation in force. The Ministry of Tourism is also a key possible source of information on persons seeking information on travelling to, working in or investing in Guyana, the Ministry of Tourism may play an important role in providing up-to-date and accurate information in a number of formats to prospective migrants on cost of living, accommodation and procedures for visas and other relevant documentation prior to travel. Information from the Ministry of Tourism can be accessed via its website.

Part IV of the Convention

Article 37

22. **Please provide the Committee with information on the measures taken to fully inform migrant workers and members of their families prior to departure of all conditions applicable to their admission, stay and the remunerated activities in which they may engage, as well as applicable laws and legislation of the State of origin and of employment. Please indicate which government institution is responsible for providing such information and if any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in the process.**

59. The Department of Citizenship-Immigration Support Services pointed that no measure have been taken by the Government to provide information to migrant workers of Guyana travelling abroad except in the cases of consular and diplomatic representatives where the Ministry of Foreign Affairs is required to supply them with the necessary information that they require about conditions applicable to their admission, stay and the remunerated activities in which they may engage, as well as applicable laws and legislation of Guyana and the State of employment/residency.

Article 40

23. **Please provide information on the measures taken to guarantee to migrant workers and members of their families the right to form, and be part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention and parts I and II of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

60. As stated earlier the Constitution of Guyana and both the Equal Rights Act and the Prevention of Discrimination Act prohibits discrimination in the recruitment of workers and employments on the grounds of ethnic origin or national extraction, thus every right that is accorded to workers who are nationals of Guyana are enjoyed on equal basis by all migrant workers. Article 147 (1) of the Constitution guarantees every person the right to unhindered enjoyment of his or her freedom of expression of assembly, association and freedom to demonstrate peacefully, that is to say the right to assemble freely, demonstrate peacefully and to associate with other persons and in particular form or to belong to political parties, trade unions or other associations for the protection of his or her interests. The Trade Union

Act Cap 98:03 provides for the registration and regulation of trade unions, their rights, protection, obligations, the registration of rules, changes in rules, amalgamation, the rendering of financial accountability, audit of accounts and the report to the Registrar to the National Assembly. Under the Act, an employee is free to join, or not to join a trade union and can withdraw from membership and an employer shall not make the employment of a worker subject to the condition that he or she shall or shall not become a member of a trade union or shall relinquish membership. In compliance with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Trade Union Recognition Act Cap 98: 07 provides the procedures for determining appropriate bargaining units and for certifying trade unions as recognized majority unions for collective bargaining purposes by a trade union recognition and certification board, a corporate body. The government has no veto powers over decisions of the board. The Trade Union Recognition Act requires that where the trade union obtains a certificate of recognition for a bargaining unit, the employer shall recognize the union, and the parties shall bargain in good faith for the purposes of collective bargaining.

Article 41

- 24. Please provide information on the steps taken by the State party to make it easier for its nationals residing and working abroad to exercise the right to vote and to be elected to public office in the State party. Please include information on the impact of dual nationality on the right to vote and to be elected to public office in the State party.**

61. Subject to the provisions of article 159 of the Constitution, every person may vote at election if he/she is of the age of eighteen years or upwards and is either a citizen of Guyana or a Commonwealth citizen domiciled and resident in Guyana. No overseas voting is provided for in the Constitution, however, home-based staff at diplomatic missions are able to vote.

62. Article 90 of the Constitution provides for the election to the office of the President as follows: “a person shall be qualified for election as President and shall not be so qualified unless he is (a) is a citizen of Guyana by birth or parentage as defined in Articles 43 and 44 of the Constitution; (b) is residing in Guyana on the date of nomination for election and was continuously residing therein for a period of seven years immediately before the date; and (c) is otherwise qualified to be a member of the National Assembly. For a person to qualify to be elected as Member of National Assembly, article 155 (1) (a) of Constitution states “no person shall be qualified for election as a member of the National Assembly who is, by virtue of his or her own act, under acknowledgment of allegiance, obedience or adherence to a foreign power or State”.

Article 44

- 25. Please provide information on measures taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their children. Please also provide information on the measures taken to provide foreign spouses of Guyanese nationals with the right to citizenship and protection from being deported to their countries of origin.**

63. The Central Immigration Department stated that any migrant who is employed in Guyana and wishes to unite with family members can apply to the Department of Citizenship for legal status for their family members. The Honourable Minister of Citizenship revealed that article 45 of the Constitution of Guyana provides for a spouse of a Guyanese to have citizenship. The processing of such registration of citizenship requires that the foreign person visit the Office (Department of Citizenship) with their passport, birth certificate, a police clearance from the country residence prior to their arrival in Guyana and the Guyanese spouse who will also produce his/her birth certificate. The foreign spouse will then take an oath of allegiance, as may be prescribed, to be registered as a citizen of Guyana. Where a foreign spouse has been registered as a citizen of Guyana, all

the rights (which include the right not to be deported) applicable to a citizen of Guyana is accorded to that individual, subject, however, to the interests of national security and public policy. Note that the Constitution alluded to a foreign national who marries a citizen of Guyana and no provision has been made for a person who has with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage. Also, Article 44 of the Constitution and the Citizenship Act Cap 14:01 provide for all children born to Guyana parents outside of Guyana to become citizens at the date of their birth. Article 6 of the Citizenship Act provides that once a person (i.e. a child born to Guyanese parent(s) has been registered under the Act, that person becomes a citizenship of Guyana with effect from the date of registration and is thus protected from deportation. Note that article 149E of the Constitution provides that all persons, whether born in or out of wedlock are born equal and have equal status and are entitled to equal rights, thus the right of children of Guyanese parent(s), who have a relationship that according to applicable law, produces effects equivalent to marriage, to be registered as a citizen of Guyana is not affected.

Articles 46–48

- 26. Please provide information on the policies in place to facilitate remittances. Please also provide information on the applicable legal framework in place to ensure the right of migrant workers to transfer their earnings and savings from the State of employment to the State of origin.**

64. The Ministry of Foreign Affairs Diaspora Unit in collaboration with the International Organization for Migration (IOM) in July of 2016 conducted a workshop in Guyana titled “Mobilizing Financial Business Know — How Resources Generated through Migration”. The workshop was hosted and geared to support the identification and transfer of skills, funds and other resources of Caribbean expatriates residing in Canada, the Netherlands, the United Kingdom and the USA, and to examine best practices that will help the Government and stakeholders to explore the potential for remittances as it relates to migration and economic development in Guyana.

65. In consultation with the Bank of Guyana, it was revealed that there is no legislation restricting migrants from transferring funds from Guyana to their State of Origin. Authorised Dealers (bank and non-bank cambios), and Money Transfer Licensees and their agents are permitted to facilitate those transactions as stipulated in the Dealers in Foreign Currency (Licensing) Act 1989 and the Money Transfer (Licensing) Act 2009 respectively. Additionally, no restrictions are placed on non-residents establishing bank accounts once the specific requirements of the particular financial institutions are met. However, when establishing foreign currency accounts the regulations issued by the Ministry of Finance will apply. Subject to the provisions of the Notice to Banks (2017) issued by the Minister of Finance under the Foreign Exchange (Miscellaneous Provisions) Act No. 8 of 1996 permission, with limitations, was granted to non-residents to establish and operate banks interest paying accounts in Foreign currency. The limitations being, that an alien must be residing legitimately in Guyana in order to hold an account and payments to or from the account must not contravene the Bank of Guyana Act 1998 or applicable provisions of the Anti-Money Laundering and Countering the Financing of Terrorism Act 2009.

Part VI of the Convention

Article 64

27. **Please provide information on the measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with the international migration of migrant workers and members of their families, including through multilateral and bilateral agreements, and policies and programmes. Please include information on how such measures have been mainstreamed in overall migration policies and programmes and whether there has been a reduction in the number of violations of the rights of migrant workers and members of their families as a result of such measures. Please also provide information on the Caribbean Community agreements relating to migrant workers. Please indicate whether the State party is planning to ratify the residence agreement concluded in 2002 by States members of the Southern Common Market (MERCOSUR) and, should it already have ratified the agreement, please provide information on the measures taken to implement it.**

66. As stated earlier, the Ministry of Foreign Affairs has collaborated with the International Organization for Migration to convene a “National Consultative Meeting on the Global Compact for Migration (GCM)”. This meeting was held with a view of engaging both public and private sector stakeholders to inform Guyana’s position. The Global Compact for Safe, Orderly and Regular Migration presents a non-legally binding, cooperative framework of actionable commitments that will be agreed upon by Member States. The GCM rests on several core international human rights treaties, including the International Labour Organization conventions on promoting decent work and labour mobility.

67. Included in the Draft Compact are proposed commitments to enhance the availability and flexibility of pathways for regular migration, to facilitate fair and ethical recruitment and safeguard conditions that ensure decent work, to empower migrants to realize full inclusion in host societies among other things. Objective 6 of the Draft Compact recommends that States ensure work visas are portable and modifiable in order to prevent labour and human rights violations. If adopted the Global Compact for Migration will commit to taking possible action on the recommendations, including updating national legislation. The Caribbean Community (CARICOM) Single Market and Economy (CSME) is an arrangement among the CARICOM Member States for the creation of a single enlarged economic space through the removal of restrictions resulting in the free movement of goods, services, persons, capital and technology and it confers the right of CARICOM Nationals to establish a business in any participating CARICOM Member State. The free movement of skills/labour includes the right of a CARICOM national under Article 46 of the Revised Treaty of Chaguaramas (RTOC) to seek work and/or engage in gainful employment in any of the participating CSME Member States, without the need to obtain a work permit in the Member State in which he/she wishes to work.

68. The RTOC, which has been adopted into law in Guyana article 3(1) of the Caribbean Community Act No. 8 of 2006, created the Caribbean Community (CARICOM) including the CARICOM Single Market and Economy (CSME) and therein are specific provisions relating to the free movement of persons divided into two broad categories: (a) the Free Movement of Skills/Labour; and (b) the Facilitation of Travel/Hassle — Free Travel. The Free Movement of Skills/Labour entails the right of a CARICOM National to seek work and/or engage in gainful employment in all CARICOM Member States (with the exception of The Bahamas, Montserrat, and Haiti) without the need to obtain a work permit. Free Movement of Skills is classified under two categories:

- Wage Earners: persons seeking employment;
- Non-Wage Earners: persons who are self-employed.

69. Wage earners: the Ministry of Foreign Affairs issues a Free Movement of Skills certificate to persons who fall under Wage Earners and are desirous of seeking employment in another CARICOM Member State. The approved categories of wage earners who are

entitled to move and work freely in the Community are: University Graduates with at least a Bachelor's Degree or equivalent qualifications, such as ACCA qualifications Pts 1 & 2, Musicians, Artistes, Sports Persons, Media Workers, Registered Nurses, Trained Teachers, Artisans, who have obtained a Caribbean Vocational Qualification (CVQ), Associate Degrees and equivalents (University Diplomas; Technical Institutes [GTI] — Diplomas, and Technician Certificates Parts 1 & 2; CAT — Completed qualifications.

70. Non-wage earners: the Non-Wage Earners are self-employed CARICOM Nationals (juridical as well as natural persons who have the right to work as self-employed persons in the C.S.M.E. and these persons can move to another Member State to establish a business or to provide a service on temporary basis. This category of person does NOT require a Free Movement of Skill Certificate; however, Service Providers must obtain a Certificate of Registration as a CARICOM Service Provider.

71. The Free Movement of Skills Certificate is a document that is issued to any CARICOM national that falls under the approved categories. This certificate eliminates the need for a work permit in a CARICOM country. Under the CARICOM regime all nationals are afforded equal treatment.

72. No information has been provided on whether Guyana is planning to ratify the residence agreement concluded in 2002 by States members of the Southern Common Market (MERCOSUR).

28. Please provide information on the measures taken to address the irregular migration of nationals of the State party, including through multilateral and bilateral agreements, policies and programmes aimed at enhancing legal migration channels, and campaigns aimed at countering misleading information relating to emigration, at raising awareness among nationals of the State party, including children, about the dangers of irregular migration and at addressing the root causes of irregular migration. Please include information on how such measures have been mainstreamed in overall migration policies and programmes and whether there has been a reduction in the number of irregular migrants as a result of such measures. Please also provide information on the measures taken to assist returning migrant workers and members of their families in resettling and reintegrating in the economic and social life of the State party.

73. In 2015, the Government of Guyana partnered with African, Caribbean-European Union (ACP EU) Migration Action to develop a policy recommendation for the setting up of an electronic visa system in Guyana and the integration therein of the Guyanese employment and work permit system. The EU recognizing that migration has become a big challenge globally has made major steps towards building a truly comprehensive migration policy, based on common political principals and solidarity. The EU migration policy is based on the following priorities:

- (1) Better organising legal migration and fostering well-managed mobility;
- (2) Preventing and combatting irregular migration and eradicating trafficking in human beings;
- (3) Maximising the development impact of migration and mobility;
- (4) Promoting international protection and enhancing the external dimension of asylum and the respect of human rights.

74. This policy is implemented through several political instruments such as bilateral and regional policy dialogues and action plans, visa facilitation and readmission agreements, operational support and capacity building as well as programme and project support made available to third countries and other stakeholders. In the framework of this particular project, the EU supported the elaboration of recommendations and guidelines with regards to setting up an electronic visa system in Guyana and the integration therein of the Guyanese employment and work permit system. This involved undertaking a review of the Guyana visa system in close collaboration with the relevant Guyana Government agencies. The objective was to support Guyana in developing and implementing a modern visa policy

and system. It is expected that Guyana will benefit from the new system in the following ways:

- (1) The Guyanese economy will benefit from a system which makes tourism more attractive, which provides more transparency for foreign investment and genuine needs for foreign labour;
- (2) Safety and security will be enhanced through a well-managed easily traceable system which prevents the unregulated inflow of non-citizens;
- (3) Further than that it will bring social, educational and cultural benefits and meet humanitarian objectives.

75. The report was completed by the International Organisation for Migration and was official handed over to the Minister of Citizenship of the newly established Department of Citizenship and Immigration in 2017.

76. In 2017, the Government partnered with the United Kingdom to have the nation's Immigration Officers undergo the Risk and Liaison Overseas Network (RALON) Border Awareness Training Programme for Immigration Officers. The training was sponsored by the United Kingdom through its High Commission in Guyana and it provided the skills and knowledge necessary for officers to become more proficient and efficient in their roles. In a news report, the Minister of Citizenship, Winston Felix, noted that the training is two-fold, in that it first provided training to enhance the professionalism of the Officers so that they can carry out their duties effectively and secondly, it equipped officers with skills to identify and respond to criminal acts such as Trafficking in Persons (TIP) and the trafficking of illicit substances. Minister Felix said that the training is not an isolated one but goes hand in hand with the Citizenship Ministry's policy to promote an efficient immigration service in the country. Referencing the recent launch of the Policy Recommendations and Guidelines for the setting up of an Electronic Visa (E-Visa) and Work Visa System, which will aid in the implementation and development of a modern visa issuance policy and system in Guyana, he further stated that the training will now add to and reinforce Government's push to provide the highest quality service to the public and to visitors, through the provision of knowledge and skills.

Article 67

- 29. Please provide information on cooperation programmes in place between the State party and relevant States of employment for the voluntary return of migrant workers and members of their families to the State party when they decide to return or when they are in the State of employment in an irregular situation. Please provide information on cooperation programmes between the State party and relevant States of employment on promoting adequate economic conditions for resettlement and reintegration in the State party.**

77. The Ministry of Foreign Affairs and the Guyana Revenue Authority has collaborated to design a Re-Migrant Programme for qualifying re-migrants. The Re-migrant Programme which is not specific to migrant workers is a collaborative effort to allow returnees an easier transition to living in Guyana. A qualifying re-migrant is defined in Section 23(5) of the Customs Act as a Guyanese citizen returning to reside in Guyana after a period of continuous bona fide residence of at least five years abroad who has attained the age of eighteen as of the date of return and meet criteria in regulations;" Students who have been studying abroad for at least 4 years are also eligible to be re-migrants. It should be noted that Deportees are not eligible for re-migrant status. Under the Act, therefore, 3 criteria must be satisfied:

- (1) The person must be a Guyanese citizen whether by birth, descent, marriage, adoption or naturalization:
 - Guyanese by birth — established by passports and birth certificates;
 - Guyanese by descent — such persons would have to produce evidence to show that their birth was registered in Guyana (usually a birth certificate);

- Guyanese by marriage and adoption (citizens by registration);
- Guyanese by Naturalisation (by application to the Minister having established that he/she has spent 5 years of past 7 years in Guyana, has resided in Guyana throughout the period of 12 months immediately preceding the date of application, is of good character and intends to reside in Guyana);

(2) They must be 18 years old at the last date of return to Guyana;

(3) They must have been residing abroad legally and continuously for 5 years prior to application.

78. Applications for re-migrant status must be submitted in person to the Remigration Officer, Ministry of Foreign within the first six (6) months of re-assuming residence in Guyana. Under the programme migrants are entitled to exemption from duty and Value Added Tax (VAT) on the following:

(a) A reasonable quantity of personal effects;

(b) A reasonable quantity of household effects including domestic and electrical appliances;

(c) A limited amount of tools of trade;

(d) 1 Motor Vehicle; provided that the motor vehicle is not older than eight years from the date of manufacture to the date of importation, 1 Motor cycle and 1 leisure boat that are owned by the re-migrant at least six months before the application for re-migrant status.

79. As recorded earlier, the Government of Guyana has also collaborated with IOM and the United States Department of State Bureau of Western Hemisphere Affairs (WHA) to develop the pilot programme to assist and facilitate the return of migrants to Guyana. The IOM has since opened an office in Guyana as part of the programme to assist migrants to successfully reintegrate into society.

30. Please provide information on measures taken by the State party to ensure the rights of migrant children and their protection from all forms of exploitation, particularly unaccompanied children, in the State party. Please provide information on steps taken to protect children from hazardous work in compliance with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and to strengthen of the labour inspection system.

80. Guyana's ratification and implementation of the Convention on the Rights of the Child (CRC) and its Optional Protocols is underscored by the nation's efforts to ensuring that the best interest of the child are primary considerations in all areas of policy-making and programmes concerning children. The Constitution was amended to reflect the "best interest of the child" principle and the Protection of Children Act (2009) provides for the protection of children at risk, children in difficult circumstances and all children at large (inclusive of all migrant children).

81. According to the Guyana's Initial Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography numerous measures have been taken by Guyana for the practical implementation of the CRC and the two Optional Protocols, all aimed at improving, defending and safeguarding children's rights. Numerous programmes have been designed and implemented and various pieces of legislation have been enacted to address issues enumerated in the two Optional Protocols. Guyana passed the Kidnapping Act in 2003 which prohibits and attaches sanctions to the commission of the acts of abduction, wrongful restraint and wrongful confinement. The Criminal Law (Offences) Act also covers abduction and forcible abduction of females and girls under the age of eighteen (18). The Childcare Protection Agency Act created an agency that deals specifically with children, particularly with children living in vulnerable situations including those susceptible to commercial exploitation including child labour, child trafficking and sexual exploitation inclusive, sexual abuse, child prostitution and pornography.

82. In 2016, Guyana made a moderate advancement in efforts to eliminate the worst forms of child labour. The Government of Guyana reformed the Inter-Ministerial Taskforce on Combatting Trafficking in Persons, began developing a National Action Plan and Policy on Child Labour, and finalized the 2017–2018 National Action Plan on Combating Trafficking in Persons. The Plan seeks to prevent and raise awareness of human trafficking, provide direct assistance to victims, improve law enforcement’s capacity to identify and respond to human trafficking and strengthen interagency coordination and referral mechanism. The Government has established institutional mechanism for the enforcement of laws and regulations on child labour, including its worst forms. The Ministry of Social Protection monitors and enforces child labour laws in collaboration with the Ministry of Education, Forestry Commission, Geology and Mines Commission, National Insurance Scheme, and the Guyana Police Force. The Chief Labour Officer handles special investigations stemming from child labour complaints and oversees routine labour inspections. Children who are identified during labour inspections are referred to the Child Care Protection Agency.

83. The Guyana Police Force (GPF) enforces criminal laws related to the worst forms of child labour, including human trafficking, commercial sexual exploitation, and the use of children in illicit activities. GPF also works in consultation with the Director of Public Prosecutions, the Ministry of Public Security, the Ministry of Social Protection, Ministry of Education and the Ministry of Indigenous Peoples’ Affairs, depending on the circumstances of each case.

84. The Ministry of Public Security leads the enforcement of human trafficking laws and chairs the Inter-Ministerial Task Force on Combating Trafficking in Persons.

85. The Government has also funded and participated in programmes that include the goal of eliminating or preventing child labour, including its worst forms. Some of these programmes include; the Human Trafficking Hotline which will assist human trafficking victims. The Shelter for Domestic Violence Victims which is government-funded is an NGO-run shelter that houses victims of domestic violence and human trafficking. The shelter provides services including psychological counselling and practical skills training and it accommodates teenage girls under the age of 16 who are placed at the shelter at the request of the Government’s childcare and protection agency. Other programmes include the provision of School Meals and Uniforms, Child Advocacy Center and the Board of Industrial Training which attempts to deter early school dropouts by providing job skills to at-risk youth between 15 and 17 who may not be able to complete their formal education.

Article 68

- 31. Please provide information on cooperation efforts with countries of transit and destination, with a view to ensuring the safety of the State party’s migrant workers abroad, including migrant children, whether accompanied or not, in transit through third States and upon arrival in the countries of destination.**

86. No information has been provided by the Ministry of Foreign Affairs.

- 32. Please provide information on measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and corresponding human and financial resources allocated by the State party to prevent and combat trafficking in persons, in particular women and children. Please inform the Committee about the measures taken to ensure the effective implementation of the Combating Trafficking in Persons Act of 2005 and to ensure the prosecution, conviction and punishment of traffickers. Please also provide information on the status of the national plan of action against trafficking in persons for 2016–2017.**

87. In accordance with Part V, Section 30 (1) Combating Trafficking in Persons Act, the Government of Guyana established a Ministerial Task Force on Trafficking in Persons in 2007. The Ministerial Task Force on Trafficking in Persons meets monthly to facilitate the planning, implementation, and monitoring and evaluation of national strategies in response to trafficking in persons. The Task Force allows for the coordination of roles and has been

instrumental in avoiding overlap of activities or gaps in the national response to trafficking in persons. The Ministerial Task Force on Trafficking in Persons is chaired by the Honourable Vice President and Minister of Public Security. A diverse composition of stakeholder agencies — both Governmental and Non-Governmental — comprise the Task Force. It features a Ministerial Arm, containing Vice Presidents and Ministers of Government, as well as a Technical Arm, featuring technical representatives of each Agency on the Task Force. These technical representatives are regarded as their respective agencies' Focal Points to assist in expediting inter-agency cooperation. The Agencies represented on the Task Force are as follows:

- (1) Ministry of Public Security;
- (2) Ministry of Social Protection;
- (3) Ministry of Foreign Affairs;
- (4) Ministry of Indigenous Peoples' Affairs;
- (5) Attorney General's Chambers and Ministry of Legal Affairs;
- (6) Ministry of Communities;
- (7) Ministry of Natural Resources;
- (8) Guyana Geology and Mines Commission;
- (9) Guyana Police Force, Criminal Investigations Department;
- (10) Guyana Police Force, Central Immigration and Passport Office;
- (11) Chambers of the Director of Public Prosecutions;
- (12) Indigenous Peoples' Commission;
- (13) Food for the Poor;
- (14) Help and Shelter;
- (15) Guyana Women Miners Organization.

88. In its 2017–2018 National Action plan, the Ministerial Task Force allotted a total of twenty-two million, four hundred thousand dollars (22,400,000) to prevent and combat trafficking in persons. The Task Force has, in the past, worked with bilateral partners in Suriname, Brazil, Trinidad and Tobago, Jamaica and Barbados with regard to cases of alleged trafficking in persons and has worked with the International Organization for Migration, Organization of American States, United States Department of State, United Nations Children's Fund, United Nations Development Programme and others in the areas of training and awareness and regarding the provision of assistance to alleged victims. It is intended for the Task Force to increase collaboration with its international partners in combating trafficking in persons in Guyana, with fruitful discussions having already been held in 2016 with such entities as the United States Embassy in Guyana, INTERPOL, the International Association of Women Judges, Caribbean Development Bank and the United Nations Office on Drugs and Crime, among others. The Ministerial Task Force on Trafficking in Persons acknowledges that trafficking in persons is a dynamic phenomenon that cannot be easily thwarted.

89. According to a 2017 report on Trafficking in Persons published by the United States Department of State, the Government of Guyana has increased its law enforcement efforts to combat trafficking in persons and to prosecute offenders. The Combating Trafficking in Persons Act prohibits all forms of trafficking and prescribes sufficiently stringent penalties ranging from three years to life imprisonment. These penalties are commensurate with those prescribed for other serious crimes, such as rape. The government's inter-ministerial taskforce coordinated a number of successful police operations. In 2016, the government reported 19 trafficking investigations, 19 prosecutions, and two convictions compared to 15 trafficking investigations and 7 prosecutions and 1 conviction in 2015, and 7 investigations, 4 prosecutions and 1 conviction in 2014. The court sentenced 1 convicted trafficker to 3 years imprisonment and required restitution payment to the victim; it required the second

trafficker only to pay restitution, a penalty inconsistent with the law and one that the ATU appealed. The appeal remained pending at the end of the reporting period.

90. The 2016 Trafficking in Persons Action Plan was specifically geared at preventing the occurrence of trafficking in persons, protecting alleged and prospective victims of the scourge, prosecuting suspected offenders and ensuring that these three objectives were met through a healthy and effective partnership among stakeholders in the calendar year. This “Prevention, Protection, Prosecution and Partnership” form the four “P” paradigm for Guyana’s efforts to combat trafficking in persons, in keeping with international best practices. The 2016 Report, highlights the foundational activities carried out in the lead up to its implementation. In order to effectively combat the crime of trafficking in persons, it is imperative that Authorities make considerable efforts to stop the crime from occurring in the first place. In this regard, the Government of Guyana has conducted and supported a plethora of training and sensitization activities aimed at ensuring that the general public is increasingly aware and that the Agents responsible for administering information and awareness materials are well skilled. The Awareness Sub-Committee of the Task Force, the Counter-Trafficking in Persons Unit of the Ministry of Social Protection and the Guyana Geology and Mines Commission led local efforts to sensitize the general public and other stakeholders. In each activity, focus was placed on ensuring that participants were made aware of the TIP Hotline Number. Key activities conducted in this regard are outlined as follows:

- Awareness Session at the Ruimveldt Children’s Aid Centre — March, 2016: a team from the Awareness Sub-Committee of the Task Force visited the Ruimveldt Children’s Aid Centre to deliver a presentation on trafficking in persons to children who received care at this location. It was noted that internationally, children in foster care and similar situations tended to be at high risk for sexual abuse at some point in their lives. In this regard, the Task Force saw it fit to address the youths there and it became a fruitful session with vibrant participation from the children and kind support from the resident facilitators;
- Market Walkthrough Awareness in Bartica — April, 2016: during a visit to Guyana by a team from INTERPOL, members of the Task Force’s Awareness Sub-Committee, supported by INTERPOL and the Guyana Police Force, conducted Awareness in Bartica Market distributing brochures and flyers, erecting posters and having short discussions on trafficking in persons with persons in the area in the process;
- Week of Activities to Commemorate World Day Against Trafficking in Persons — July 24–30, 2016: the Ministerial Task Force on Trafficking in Persons and the Counter-Trafficking in Persons Unit at the Ministry of Social Protection commemorated World Day Against Trafficking in Persons on July 30 as instituted by the United Nations. In this regard, a Week of Activities was held beginning on July 24 and ending on July 30, 2016. The Week of Activities commenced with a visit to Region 1 by a team from the Counter-Trafficking in Persons Unit, Ministry of Social Protection for trafficking in persons’ awareness activities and a Candlelight Vigil for victims of the crime. Task Force members then facilitated trafficking in persons Documentary Viewings and Discussions with the Ministry of Public Security and the Amerindian Hostel in Georgetown while there was also a sensitization activity conducted with the staff of Food for the Poor. Note that the Ministerial Task Force reported that most of its activities in the 2016 Action Plan were geared to provide a platform for the implementation of the 2017–2018 Action Plan.

- 33. Please provide information on measures taken to assist and protect victims of trafficking, for example, by protecting the identity of the victims and by providing physical, psychological and social assistance to enable the recovery of victims, including durable solutions, and measures to ensure that victims have access to justice and legal remedies. Please also provide information on the efforts made to systematically compile disaggregated data on trafficking in persons and on the number of reported cases of trafficking in persons, investigations, prosecutions and sentences imposed on perpetrators.**

91. The Counter-trafficking in Persons Unit of the Ministry of Social Protection pointed out that its mission is to collaborate with government and non-government organizations, as well as other stakeholders in disseminating information to reduce the incidence of trafficking in persons in Guyana and providing a support mechanism to alleged survivors of human trafficking to enhance their life skills. Therefore, in accordance with its mission statement, the Unit has provided various services to assist and protect victims of human trafficking:

(a) Appropriate housing, taking into account the person's status as a victim of crime and including safe conditions for sleeping, food and personal hygiene: protective care facilities are provided for the accommodation of victims along with other items to cater for their basic needs;

(b) Psychological counselling in a language the victim can understand: counselling is provided for victims by Probation & Social Services Officers assigned to the Counter Trafficking in Persons Unit. Interpreters also assist in cases where there are language barriers;

(c) Medical assistance in a language the victim can understand: victims are provided with information and assistance to access emergency medical services;

(d) Other medical assistance as appropriate: victims are accompanied by Probation Officers attached the Counter Trafficking in Persons Unit to access these services from various medical institutions;

(e) Employment, educational and training opportunities: victims are referred to private and public programmes, such as employment, educational and training opportunities. For example, victims are sponsored by the Ministry to access various programmes of choice such as cosmetology, home management, and craft production to name a few;

(f) Legal assistance or legal information in a language the victim understands: victims are informed about their rights and available protections, especially against threats and intimidation. General information about the status of an investigation and notice of important case events along with restitution for victims are divulged to victims.

- 34. Please provide information on measures taken, including through international, regional and bilateral cooperation with countries of origin, transit and destination, and on the corresponding resources, including human and financial resources, allocated by the State party to prevent and suppress the smuggling of migrants by organized criminal groups. Please also provide information on the measures taken to adopt specific legislation and policies on this matter, in accordance with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, of 2000.**

92. The Officer with responsibility for information related to this question was indisposed at the time of collating information for submission by deadline.

Section II

- 35. The Committee invites the State party to provide information (in no more than three pages) regarding the protection of migrant workers and members of their families with respect to the following:**

(a) **Bills or laws, and their respective regulations;**

93. The Constitution of Guyana Act No.2 of 1980 (With amendments to 12th August, 2003) Supreme law of the land and provides for the protection of the fundamental human rights.
94. Prevention of Discrimination Act Cap 99:09 provides for the elimination of discrimination in employment, training and recruitment and promotes equal remuneration to both men and women in employment who perform work of equal value.
95. Status of Aliens Act Cap 14:04 make provision for the acquisition and disposal of moveable and immoveable property by aliens. Citizenship Act Cap 14:01 — provides criteria for the acquisition and loss of Guyanese citizenship.
96. Equal Rights Act No.19 of 1990 makes provision for the enforcement of the principles enshrined in article 29 of the Constitution so as to secure equality for women.
97. Caribbean Community Act No. 8 of 2006 gives effect to the Revised Treaty of Chaguaramas establishing the Caribbean Community including CARICOM Single Market Economy.
98. Caribbean Community (Free Entry of Skilled National) Act Cap 18:08 promote the free entry of skilled nationals of qualifying Caribbean Community States.
99. Labour Act Cap 98:01 provides for an establishment of a Department of Labour, for the regulation of relationship between employers and employees.
100. Combating Trafficking in Persons Act No. 2 of 2005 provides comprehensive measures to combat trafficking in persons.
101. Foreign Exchange (Miscellaneous Provisions) Act No. 8 of 1996 Notice to Banks (2017) permits non-residents to establish and operate in those banks interest paying accounts in foreign currency.
102. Customs Act Cap 82:01 provides tax concession for migrants and re-migrants.
103. Aliens (Immigration and Registration) Act Cap 14:03 establishes rules relative to the roles of immigration officers and ministers with regard to the administration of the act, a clear definition of irregular migration into Guyana as well as procedures related to the registration of foreign nationals present within the borders of Guyana.
104. Immigration Act — Chap 14:02 designates responsibilities relative to immigration matters, establishes documents and procedures relative to lawful entry into Guyana, and outlines offenses relative to mistreatment of immigration officers and irregular migration.

(b) **Institutions (and their mandates) or institutional reforms;**

105. Department of Citizenship and Immigration-is headed by the Minister of Citizenship and operates under the aegis of the Ministry of the Presidency. Among its other functions, the Department is responsible for the provision of Immigration support services for foreign nationals, including the processing of visas, work permits, extensions of stay and the process of accessing Guyanese citizenship by foreign nationals.
106. Ministry of Foreign Affairs' issues visas with the approval of the Ministry of Citizenship, and works in close consultation with the Ministry both in transmitting applications submitted to Guyanese missions as well as processing visas for diplomats and international public servants.
107. International Organisation for Migration has implemented several projects in various fields, such as: promotion of the involvement of the Diaspora in Guyana's development, strengthening of the security mechanisms for the enhancement of migration management in Guyana, migration and health promotion, Assisted Voluntary Return and Reintegration (AVRR) programmes which coordinate returns and reintegration from Canada, the United Kingdom, Belgium and the Netherlands. The IOM Mission in Guyana also serves as a Regional Coordination Office for the Caribbean, providing logistical and coordination support to country missions.
108. Guyana Police Force (GPF) in co-operation with the State, the Society, and Citizens of Guyana, the GPF provides Service and Protection by preventing and detecting crime,

maintaining law and order, controlling traffic, protecting property and preserving the peace through the provision of the highest standard of professional Police Service with absolute integrity and complete dedication.

109. Ministry of Social Protection-Department of Labour is responsible for the supervision of the application of the laws regarding labour, including the rights of migrant workers in Guyana. Of particular importance among its departments is the Central Recruitment and Manpower Agency which performs the role of data collection on labour and skill availability and furnishing information to employers who wish to recruit workers and persons who are seeking employment. This agency, in tandem with the Statistical Unit of the Department of Labour, would be central to the development of any labour market information systems that would complement the visa application and processing system for migrant workers.

110. Ministry of Education is responsible for the process of recognition of professional and technical qualifications, and may play a significant role in the processing of work visa applications. The Ministry also plays a role through its National Accreditation Council in terms of the accreditation of onshore and offshore educational institutions, which may be a related source of immigration into Guyana and would be related to the processing of visas for students.

111. Ministry of Health is responsible for ensuring the safety of labour migrants as well as the local population, and would need to be consulted in terms of any health issues associated with cross-border movement.

112. Ministry of Tourism: as a key possible source of information on persons seeking information on travelling to, working in or investing in Guyana, the Ministry of Tourism may play an important role in providing up-to-date and accurate information in a number of formats to prospective migrants on cost of living, accommodation and procedures for visas and other relevant documentation prior to travel.

113. Private Sector Commission was established in 1992 as a not-for-profit organization, which represents the interests of five private sector associations as well as corporate members which have been admitted since 1997. An umbrella organisation covering a wide range of private sector and employer organisations, the PSC would be a relevant interlocutor in terms of streamlining the application process for incoming labour and recruitment in general.

114. Guyana Trade Union Congress (GTUC) is an umbrella labour institution for 22 affiliated unions with a membership of some 7000. The GTUC has involvement in the national, regional and international discussions on labour rights and decent work, including in the context of the migration of workers and their families.

115. Critchlow Labour College was established in 1967 as the education arm of the trade union movement and provides training and dialogue opportunities around key labour issues in Guyana.

(c) Policies, programmes and action plans covering migration, and their scope and financing;

116. In 2015, the Government of Guyana partnered with African, Caribbean-European Union (ACP EU) Migration Action to develop a policy recommendation for the setting up of an electronic visa system in Guyana and the integration therein of the Guyanese employment and work permit system. The EU recognizing that migration has become a big challenge globally has made major steps towards building a truly comprehensive migration policy, based on common political principals and solidarity. This policy is implemented through several political instruments such as bilateral and regional policy dialogues and action plans, visa facilitation and readmission agreements, operational support and capacity building as well as programme and project support made available to third countries and other stakeholders. In the framework of this particular project, the EU supported the elaboration of recommendations and guidelines with regards to setting up an electronic visa system in Guyana and the integration therein of the Guyanese employment and work permit system. This involved undertaking a review of the Guyana visa system in close collaboration with the relevant Guyana Government agencies. The objective was to support

Guyana in developing and implementing a modern visa policy and system. It is expected that Guyana will benefit from the new system in the following ways:

(1) The Guyanese economy will benefit from a system which makes tourism more attractive, which provides more transparency for foreign investment and genuine needs for foreign labour;

(2) Safety and security will be enhanced through a well-managed easily traceable system which prevents the unregulated inflow of non-citizens;

(3) Further than that it will bring social, educational and cultural benefits and meet humanitarian objectives.

117. The report was completed by the International Organisation for Migration and was official handed over to the Minister of Citizenship of the newly established Department of Citizenship and Immigration in 2017. The Department was allocated GY\$262,163,000 in 2015.

(d) Recent ratifications of human rights instruments and other relevant instruments, including the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the ILO Domestic Workers Convention, 2011 (No. 189);

118. Guyana has not ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and there is currently no information available on the ILO Migration for Employment Convention (Revised), 1949 (No. 97). As regard the ILO Domestic Workers Convention, 2011 (No. 189) the Ministry of Social Protection-Department of Labour took measures to implement the Convention during the period 2015-2016. The list of laws which apply to this Convention include:

- The Labour Act, Cap.98:01;
- Household Service Workers (Hours of Work Act) Cap. 99:07;
- Minimum Wages Order;
- Leave with Pay Act, Cap. 99:02;
- National Insurance and Social Security Act, Cap.36:01.

119. The Department reiterated the fact that in Guyana ratified Conventions do not have the same force as national Laws in the sense that they can be enforced in a Court of Law. However, stakeholders are usually encouraged to embrace the provisions thereof:

- Article 1: No definition is given for the terms domestic work and domestic worker. However, Cap.99:07 define a Household Service Worker as any person employed as a domestic in any private residence, and includes children's Nurses;
- Article 2: (a) No category is excluded from the scope of application of the Convention and (b) By virtue of (a) above this is not applicable;
- Article 3: Article 147 of the National Constitution provides for all citizens to be freely associated with or become members of Trade Unions of their own choice. Domestic Workers are no exception. Unfortunately, they were never organized. However, some of them have recently formed themselves into a Co-operative Society;
- Article 4: (1) The minimum age for admission to employment established by laws is fifteen years and (2) the measures taken to ensure that work performed by domestic workers below the age of eighteen (18) years are not deprived of compulsory education, etc. include labour inspections and campaigns jointly conducted with the Ministry of Education;
- Article 5: Apart from normal Labour Inspection, employers are sensitized through Workshops and Seminars about their legal and moral roles and responsibilities to all categories of employees including domestic workers;
- Article 6: The response to Article 5 above applies to this Article;

- Article 7: There is no compulsion for written Contracts of Employment to be issued but the relevant laws which cover all necessary terms and conditions of employment are highlighted during the workshops and seminar mentioned at Article 5 above;
- Article 8: The recruitment of Foreign Domestic Workers to work in Guyana is not widely known and practiced but where this may occur, they will be and are subject to all fair terms and conditions of employment applicable to any other employee;
- Article 9: Given that Foreign Domestic Workers is not a category of workers known in this country the provisions of this Article seems in-applicable;
- Article 10: (1) The Labour laws in Guyana are equally applicable to all workers both foreign and national:
 - (1) Section 5 of the Household Service Workers (Hours of Work) Act, Cap. 99:07 provides for a 24 hours rest period per week;
 - (2) The main laws which give effect to the provision of this Convention are Cap. 99:07, Cap. 99:02 and Cap. 36:01;
- Article 11: A national Minimum Wage Order exists and it is enforced for all workers through Labour Inspections;
- Article 12: The Labour Act Cap.98:01 mandates that all wages are to be paid entirely in money only;
- Article 13: The Occupational Safety and Health Act Cap. 99:10 mandates all employers to provide safe and healthy working conditions to all employees, at all times;
- Article 14: The National Insurance and Social Security Act Cap. 36:01 provides for social security protection including maternity benefit to all eligible employees. Domestic employees are not excluded;
- Article 15: The measures available to ensure that the provisions of this Article are satisfied is through Labour Inspection and the investigation of Complaints;
- Article 16: All workers regardless of their national origin have open and independent access to the courts. Access is unhindered;
- Article 17: All classes or types of complaints are investigated by the Labour Department;
- Article 18: It is the obligation of the Ministry of Social Protection and the National Insurance Scheme to ensure that the provisions of this Convention are implemented.

120. Where necessary the most representative employers' and workers' organisations are consulted. This is done mainly through the National Tripartite Committee:

(1) The authorities to which the above mentioned laws are entrusted are the Labour Department and the National Insurance Scheme;

(2) In recent times no court or tribunal has had reason to make a decision or award impacting the provisions of this Convention;

(3) Generally, the provisions of the Convention are reasonably adhered to. The number of workers who are covered by inspections is not readily available.

(e) **Recent comprehensive studies on the situation of migrant workers and members of their families.**

121. According to the Ministry of Foreign Affairs no comprehensive studies on Migration have been commissioned by the Government of Guyana on the situation of Migrant workers and members of their families, however, studies on Migration in Guyana were conducted by Simona Vezzoli.

122. The research leading to the paper was part of the DEMIG project and received funding from the European Research Council under the European Community's Seventh Framework Programme. This paper was published by the International Migration Institute

(IMI), Oxford Department of International Development (QEH), University of Oxford and is titled “The effects of independence, state formation and migration policies on Guyanese migration”.

123. Using a historical approach, this paper examines the evolution of Guyanese migration from the 1950s until the 2010s. It explores the role of the Guyanese state in migration, the effect of independence and the establishment of a border regime on migration, with a particular focus on how political decisions and socio-economic policies have affected the timing, volume, composition and direction of migration in the post-independence period. After elaborating a new conceptual framework, the paper analyses the role of the Guyanese state across three broad historical phases: from the early 1950s to independence in 1966; from independence to the gradual political and economic opening of Guyana in 1985; and from 1986 to the present. The paper finds that the uncertainties generated by Britain’s introduction of its Immigration Act in 1962 and Guyana’s independence in 1966 led to two initial increases in emigration in the 1961–1962 and in 1965–66 periods. The Guyanese state’s support of “cooperative socialism” and its authoritarian stance until the mid-1980s then promoted large emigration, which gradually included all classes and ethnic groups. At the same time, British and North American migration policies cause the partial redirection of migration towards the US and Canada. The importance of family re-unification and skilled migration channels explain on one hand, how entire Guyanese families have emigrated, while on the other hand, how Guyana is one of the top ten countries for skilled migrants.

124. This paper shows the importance of shifting beyond the “receiving country” bias by considering the important role of origin country states in migration processes.¹

Section III

Data, official estimates, statistics and other information, if available

36. Please provide, if available, updated disaggregated statistical data and qualitative information for the past three years, unless indicated otherwise, on:

(a) **The volume and nature of migratory flows to and from the State party since the Convention entered into force in the State party;**

125. In 2015, IOM reported net migration rate of 6.3 migrant to every 1000 of the population of Guyana. Women according to the report made of 46.5% of the population. Immigrants were recorded as being 2.0% of the population of 767,085.

(b) **Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained abroad in States of employment, and whether such detention is immigration-related;**

126. No information available.

(c) **Migrant workers and members of their families who have been expelled from the State party;**

127. The table below shows prohibited Immigrants that were deported for immigration offences.

<i>Year</i>	<i>Number of Deportations</i>
2015	37
2016	101
2017	85

¹ Information gathered from the abstract of “*The effects of independence, state formation and migration policies on Guyanese migration*”. Retrieved October 5, 2018 from <https://www.imi.ox.ac.uk/publications/wp-94-14/@/download/file>.

(d) **The number of non-accompanied migrant children or migrant children separated from their parents in the State party;**

128. No data on this class of information.

(e) **Remittances received from nationals of the State party working abroad;**

129. The Bank of Guyana 2015 annual report stated that the inflow of workers' remittances decreased by 9.9 percent or US\$28.9 million to USD\$264.6 million. In 2016, the World Bank recorded USD 296 million in remittances, 9.3 % over what was recorded in the same period in 2015.

(f) **Reported cases of trafficking in migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking);**

130. Information provided is general, no specific data on migrants.

(g) **Reported cases of smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of smuggling);**

131. Information provided is general, no specific data on migrants.

(h) **Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.**

132. The Legal Aid Clinic of Guyana advocates re employment matters within the jurisdiction.

37. **Please provide any additional information on any important developments and measures to implement the Convention relating to the protection of the rights of migrant workers and members of their families that it considers a priority, including whether the State party envisages making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider State-to-State communications or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.**
38. **Please submit an updated core document in line with the harmonized guidelines on reporting (HRI/GEN/2/Rev.6). In accordance with General Assembly resolution 68/268, paragraph 16, the common core document should not exceed 42,400 words.**
39. **The Committee may take up all aspects of the rights of migrant workers and members of their families in the Convention during the dialogue with the State party.**
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