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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF GUYANA
FOR THE 49TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

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Introduction

1. The European Center for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Guyana (Guyana) for the 49th session of the Universal Periodic Review (UPR).

Background

2. Guyana is a country located in northeast South America and has a population of approximately 741,300 people.¹ The majority of the population is Christian, with 54.02% identifying as Christian, 30.85% as Hindu, 7.52% as Muslim, 2.11% as nonreligious, and 5.5% in other categories.²

3. Guyana’s last review was held on January 29, 2020.³ As a result of the review, Guyana received 199 recommendations, 140 of which Guyana supported.⁴ It was recommended by Djibouti, and supported by Guyana, that the government “[c]ontinue the efforts undertaken to combat trafficking in human beings, particularly the exploitation of children and women, by strengthening the fight against traffickers.”⁵ No recommendations were made regarding religious freedom.

Legal Framework

4. Article 140 of the Constitution of Guyana states that “[n]o person shall be held in slavery or servitude. No person shall be required to perform forced labour.”⁶

5. In 2023, a new law on human trafficking was enacted in Guyana. Article 4 of The Combating of Trafficking in Persons Bill 2023 prescribes imprisonment from five years up to life for anyone “who engages in or conspires to engage in, or attempts to engage in, or assists

¹ Bonham C. Richardson & Jack K. Menke, *Guyana*, BRITANNICA, <https://www.britannica.com/place/Guyana> (Oct. 3, 2024).

² *Guyana: Religions Adherents*, THE ASSOC. OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=102c> (last visited Sep. 17, 2024).

³ *Universal Periodic Review – Guyana*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/gy-index> (last visited Oct. 7, 2024).

⁴ *Infographic – Guyana*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GY/guyana_50954150.pdf (last visited Oct. 7, 2024).

⁵ OHCHR, UPR of Guyana (3rd Cycle – 35th Session): Thematic List of Recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GY/ListOfRecommendations_E.docx (last visited Oct. 7, 2024).

⁶ CONSTITUTION OF GUYANA 1980 (rev. 2016) art. 140, https://www.constituteproject.org/constitution/Guyana_2016.

another person to engage in, organises or directs another person to engage in trafficking in persons.”⁷

6. Guyana is a party to the International Covenant on Civil and Political Rights (ICCPR).⁸ Article 8 of the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”⁹

7. Additionally, Guyana is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁰ Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹¹

Human Trafficking

8. Guyana’s efforts to combat trafficking have led to it becoming one of the best performing countries in the Caribbean when it comes to effectively combatting human trafficking.¹² In fact, in just the first quarter of 2023, the government has already identified 159 potential victims of human trafficking.¹³ This shows that while human trafficking does exist in the country, the government takes the issue very seriously. In Guyana, human trafficking is most prevalent in mining sites that are in remote regions, which makes it difficult for authorities to investigate.¹⁴ In these cases, women are the primary targets of human traffickers, who sexually exploit them.¹⁵

⁷ THE COMBATING OF TRAFFICKING IN PERSONS BILL 2023 art. 4, <https://mhsss.gov.gy/Documents/Legislation/Trafficking%20in%20Persons/The%20Combating%20of%20Trafficking%20in%20Persons%20Bill%202023.pdf>.

⁸ *Ratification Status for Guyana*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=73&Lang=EN (last visited Oct. 7, 2024).

⁹ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹⁰ *Chapter XVII Penal Matters: 12. a Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION (Sep. 17, 2024), https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18.

¹¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

¹² *Guyana*, GLOB. ORGANIZED CRIME INDEX, <https://ocindex.net/country/guyana> (last visited Oct. 7, 2024).

¹³ *Gov’t Says Acting on Recommendations in US Human Trafficking Report*, STABROEK NEWS (July 2, 2024), <https://www.stabroeknews.com/2024/07/02/news/guyana/govt-says-acting-on-recommendations-in-us-human-trafficking-report/>.

¹⁴ *Guyana*, *supra* note 12.

¹⁵ *Id.*

9. Guyana's geographic location and porous borders makes it a prime destination and transit country for human trafficking.¹⁶ This is further exacerbated by a lack of law enforcement efforts at the border, which has allowed for traffickers to easily traffic individuals into Guyana.¹⁷

10. Since its last UPR, Guyana has strengthened its efforts to combat human trafficking. This includes passing the Combatting of Trafficking in Persons Bill in 2023, which increased prison time for those convicted of human trafficking.¹⁸ The new law also created a ministerial task force composed of members from law enforcement, legal affairs, immigration, public health, human services, and foreign affairs.¹⁹ This ministerial force is tasked with developing a plan of action focusing on human trafficking and coordinating data collection.²⁰ This law did not go into effect until August 2024, so it is too early to see its impact on human trafficking.²¹ In addition to enacting new legislation, Guyana's Counter Trafficking in Persons Unit (C-TIP) trained 2,003 people to recognize and identify potential victims of human trafficking.²²

11. Below, we have highlighted some of the work Guyana has done to rescue victims of human trafficking.

12. In August 2024, authorities rescued four girls between the ages of fourteen and seventeen, who were trafficked from Brazil to Guyana.²³ After the rescue, the Ministry of Human Services and Social Security's C-TIP Unit and the Child Care Protection Agency provided them counseling, medical care, and psychological support.²⁴

13. In March 2024, authorities rescued forty-four foreign nationals who were believed to be victims of human trafficking.²⁵ The victims were found when authorities searched a nightclub.²⁶ The victims were taken into protective care and were offered services from the Ministry of Human Services and Social Security.²⁷

14. In June 2023, a forty-one-year-old woman was charged with nine counts of human trafficking.²⁸ She was charged while serving a six-month prison sentence for operating a

¹⁶ OLIVIA SMITH, DETERMINANTS OF ANTI-TRAFFICKING EFFORTS 6 (British Inst. of Int'l and Compar. L., 2022), https://www.biicl.org/documents/11413_guyana.pdf.

¹⁷ *Id.*

¹⁸ *House United in Passing New Human Trafficking Law*, KAIETEUR NEWS ONLINE (May 12, 2023), <https://www.kaieteurnews.com/2023/05/12/house-unites-in-passing-new-human-trafficking-law/> [hereinafter *New Human Trafficking Law*].

¹⁹ *Id.*

²⁰ *Id.*

²¹ Priya Seepaul, *Guyana's Continued Efforts and Achievements in Combating Human Trafficking*, REPUBLIC OF GUYANA - MINISTRY OF HOME AFFS. (2024), <https://moha.gov.gy/guyanas-continued-efforts-and-achievements-in-combating-human-trafficking/>.

²² *New Human Trafficking Law*, *supra* note 18.

²³ *Several Girls Smuggled from Brazil to Guyana – Home Affairs Ministry*, DEMERARA WAVES, <https://demerarawaves.com/2024/08/09/several-girls-smuggled-from-brazil-to-guyana-home-affairs-ministry/> (Aug. 9, 2024).

²⁴ *Id.*

²⁵ *Suspected Human Trafficking Victims Rescued from Guyanese Night Club*, LOOP (Mar. 6, 2024), <https://caribbean.loopnews.com/content/suspected-human-trafficking-victims-rescued-guyanese-night-club>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Imprisoned Venezuelan Woman to be Charged with Nine More Counts of Human Trafficking*, STABROEK NEWS (June 22, 2023), <https://www.stabroeknews.com/2023/06/22/news/guyana/imprisoned-venezuelan-woman-to-be-charged-with-nine-more-counts-of-human-trafficking/>.

brothel.²⁹ The Guyana Police Force reported that she had trafficked nine women from Venezuela to Guyana and exploited them.³⁰ For the counts of human trafficking, she was found guilty and sentenced to four years in prison and ordered to pay restitution to the victims.³¹

15. In 2023, a forty-five-year-old man was charged with sixteen counts of human trafficking.³² It was reported that, between November 2022 and May 2023, the suspect had trafficked sixteen Venezuelan nationals.³³

16. In June 2022, the Guyana Police Force rescued fifteen women from a nightclub on the west coast of the Demerara River.³⁴ The women who were rescued were believed to have been trafficked from Venezuela.³⁵ In addition to rescuing the women, three suspects were detained by police.³⁶

17. In April 2021, a forty-four-year-old man was arrested for trafficking two Jamaican nationals to Guyana.³⁷ He was later sentenced to four years in prison and was ordered to pay restitution to the victims.³⁸

18. In the first five months of 2021, authorities in Guyana rescued forty-nine victims of human trafficking.³⁹ Of those rescued, forty-two of them were women who were trafficked for sexual exploitation.⁴⁰ During that same period, suspects received eleven charges of human trafficking.⁴¹

Recommendations

19. We commend Guyana for its efforts to combat human trafficking. As demonstrated above, Guyana has taken human trafficking seriously and has continued to enact measures to strengthen its ability to combat it. Further, we are encouraged by Guyana's efforts to not only combat human trafficking but also provide aid and assistance to the victims. However, there is more Guyana can do. Because traffickers exploit Guyana's border, increasing border security measures is critical to stopping human trafficking. Guyana must make substantial efforts to control its borders and stop human traffickers before it enters the country.

²⁹ *Id.*

³⁰ *Id.*

³¹ *4 Years Jail for Human Trafficking, \$1.5M in Payment to Victim*, NEWS ROOM (Feb. 7, 2024), <https://newsroom.gy/2024/02/07/4-years-jail-for-human-trafficking-1-5m-in-payment-to-victim/>.

³² *Pilot, Orlando Charles to be Charged with 16 Counts of Human Trafficking*, KAITEUR NEWS ONLINE (May 30, 2023), <https://www.kaieteurnews.com/2023/05/30/pilot-orlando-charles-to-be-charged-with-16-counts-of-human-trafficking/>.

³³ *Id.*

³⁴ *Guyana: Suspected Human Trafficking Victims Rescued from Night Club*, LOOP (June 27, 2022), <https://caribbean.loopnews.com/content/guyana-suspected-human-trafficking-victims-rescued-night-club>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Man Jailed in Guyana for Trafficking Jamaican Nationals*, LOOP (Mar. 10, 2023), <https://caribbean.loopnews.com/content/man-jailed-guyana-trafficking-jamaican-nationals>.

³⁸ *Id.*

³⁹ *Clestine Juan, 42 Female Sex Trafficking Cases Recorded for 2021*, GUYANA CHRONICLE (July 31, 2021), <https://guyanachronicle.com/2021/07/31/42-female-sex-trafficking-cases-recorded-for-2021/>.

⁴⁰ *Id.*

⁴¹ *Id.*