

Determinants of Anti-Trafficking Efforts



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Case Study: Guyana

This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts>

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Gift of the United States Government



Table of Contents

Acronyms and Abbreviations	1
Executive Summary	2
Introduction	3
Context	6
Determinants of anti-trafficking efforts	17
Particulars of determinants by type of response	17
Particulars of determinant by form of exploitation	19
Particulars of determinants according to trafficked persons' profile.....	20
Particulars of determinants according to perpetrator profile	24
Particulars of determinants by stage of response.....	25
Focus: Amendment to Policy and Legislation	29
Focus: Re-engagement of Ministerial Task Force	31
COVID-19	33
Conclusion.....	35
Bibliography.....	37

Acronyms and Abbreviations

TIP	-	Trafficking in Persons
A-TIP	-	Anti Trafficking in Persons
CARICOM	-	The Caribbean Community
CARIFORUM	-	The Forum of the Caribbean Group of African, Caribbean and Pacific (ACP) States
CTDC	-	Counter-Trafficking Data Collaborative
ILO	-	International Labour Organization
IOM	-	International Organization for Migration
MTFTIP	-	Ministerial Task Force on Trafficking in Persons
NGOs	-	Non-Governmental Organisations
UNICEF	-	United Nations Children’s Fund
UNODC	-	United Nations Office on Drugs and Crime
UNTOC	-	United Nations Convention Against Transnational Organized Crime
US	-	United States
GSI	-	Global Slavery Index
SDGs	-	Sustainable Development Goals
SIDS	-	Small Island Developing States
SOPs	-	Standard Operating Procedures
TIP	-	Trafficking in Persons
VoT	-	Victim of Trafficking

Executive Summary

Human trafficking has been recognized both individually and collectively by many States at the international level as a serious violation of human rights. Trafficking is often associated with extreme violence and a range of physical, mental, and sexual health consequences. Despite significant developments in policy and legislation, little attention has been paid to the question of what drives the policy position of States and the legislation that they adopt.

This research was primarily a qualitative exercise and was not intended to supply statistics on the numbers of trafficking victims within the country, but rather to provide a starting point for Guyana to examine the problem of human trafficking. The study used this developing Caribbean country as a comprehensive case study to understand the national and international factors that are conducive to the enforcement of policies and laws to combat human trafficking in Guyana. It augurs well for the need to consider the role of policymakers when trying to comprehend what underpins the implementation and enforcement of policies, including international treaties that combat organized crime, such as the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the Palermo Protocol), as well as various national laws.

The information obtained through a literature review, media review and key informants' participation will contribute to a better understanding of the determinants of counter human trafficking efforts of the Government of Guyana. A report will be published based on the information gathered in this survey. Future research should expand the insights of this analysis through case studies on parliamentary behaviour, and legislative proposals related to human trafficking.

Keywords:

Determinants, Human trafficking, Victim protection, Compliance, Anti-trafficking policies, UN anti-trafficking protocol, Political science

Introduction

Over the past ten years Guyana has made significant strides in their anti-trafficking efforts. This has been recognized by the United States Department of State who has given Guyana Tier 1 status in its annual Trafficking in Persons Report for the last five consecutive years.

National governments in many countries have implemented new policies, laws, and enforcement mechanisms to address the problem of trafficking in persons (TIP). However, this increased national attention has not equated to a reduction in trafficking. Guyana is no exception, as the gravity of this crime continues to rise exponentially. The plethora of laws and policies which exist are unable to keep up with rapidly changing technology, compounded by the influx of other interwoven social, political, and economic issues, and this has only been exacerbated by the ongoing COVID-19 pandemic. Additionally, past actions to combat human trafficking have not been comprehensive or well-coordinated between stakeholders. Consequently, policymaking and implementation often fall short of the goal of halting human trafficking. It has come to the forefront that globally - at the levels of policymaking, implementation and even within research and data collection - the question of what factors determine governments' anti-trafficking responses to preventing trafficking, prosecuting traffickers, and protecting trafficked persons have been side-lined.

To reduce that lacuna, this study provides a comprehensive assessment of TIP in Guyana with an in-depth look at the policy pathways that the Government of Guyana has taken to combat human trafficking, as well as the gaps in these efforts measured against human rights standards. Whilst various global TIP reports have included information on Guyana, to date there has not been any comprehensive studies about what informs policymaking on the issue of human trafficking in Guyana. This paper seeks to provide that information which can later inform the design of future policy and legislative interventions to strengthen the counter-trafficking responses, especially as it relates to perception, prevention, prosecution, and protection.

Two key developments

Two of the key positive developments which were identified by the National Research Consultants during this project as having contributed to Guyana's progress are the development of Guyana's policy framework and the re-energising of the National Ministerial Task Force on Trafficking in Persons. In the case of the former development, these touches and concerns all 4Ps within trafficking responses while the latter development mainly concentrates on partnership and prevention.

Trafficking in Persons Legislation

Guyana became a State party to the UN Palermo Protocol in 2004. This then prompted the drafting of national legislation. Since that time, the *Combating Trafficking in Persons (TIP)*

Act 2005 has been the governing document for matters of trafficking in persons. However, over time it became clear that this law was inadequate. Therefore, in the last few years, Guyana began the ongoing process of reviewing its legislation. The review will culminate in new legislation that will repeal and replace the old, and will include areas that were previously not considered.

As a part of this review, it was reported that the government finalized an amendment to the TIP Act in 2019, which specifically removed the requirement of proving force, fraud, or coercion in the trafficking of children. This development was driven by the recommendations made by the US TIP report of 2018 and 2019. However, it was not adopted due to the restrictions of constitutional authority on the caretaker government at the time. A new draft of the trafficking bill was scheduled in 2021 to be discussed in the Cabinet sub-committee and then in Parliament.¹

An amendment to the 2005 legislation to allow for stiffer penalties against perpetrators is also being laid before the National Assembly of Guyana. The amendment seeks to increase fines from \$50,000 to \$500,000 per child for persons bringing children into Guyana without parental authority.²

In addition to significant changes within the substantive law, there have also been Standard Operating Procedures (SOPs) for investigation and prosecuting human trafficking cases completed during the reporting period. This effort was driven by external influence and emerged through a collaborative effort between the Government of Guyana and the International Organization for Migration (IOM). They launched a SOPs document for the investigation and prosecution of TIP cases to provide for successful and sustained conviction of offenders, redress of grievances of victims, and prevention of crimes of trafficking, which are possible when law enforcement and other first responders perform their tasks with due diligence. Launching criminal investigations that are not conducted efficiently can result in unsuccessful prosecutions of offenders. SOPs on the prevention of TIP are also underway.

National Ministerial Task Force on Trafficking in Persons

The second key development is the re-energizing of the National Ministerial Task Force on Trafficking in Persons.³ Section 30 of the TIP Act provides for the establishment of a national inter-agency task force 'to develop and implement a National Plan for the Prevention of Trafficking in Person'. The Task Force was created in 2007 and commenced its work, but had reportedly not functioned for a year or two.⁴ However, following the most recent

¹ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

² Co-ordinator (Ag) of the Ministerial Taskforce on Trafficking in Persons – Ministry of Home Affairs, Mr. Daniel Griffith in an interview with the Department of Public Information on June 15, 2021. He said the amended Act will be laid before the National Assembly.

³ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁴ Ibid.

change in government in 2020, the Task Force has reportedly become active once again and is meeting monthly.⁵

These key improvements are of significance as they are representative of the broader efforts being undertaken by the Government of Guyana to combat human trafficking and other crimes under the Justice Reform Programme. The efforts can be sustainable with the planned establishment of the additional courts to facilitate human trafficking cases, the use of technology to obtain witness testimony, and increased training of law enforcement, judicial officers, and forestry staff.

⁵ Ibid.

Context

This report was commissioned by the British Institute for International and Comparative Law (BIICL) with financial assistance from the US Department of State (Office to Monitor and Combat Trafficking in Persons) under a Cooperative Agreement. The overall goal of the project is to improve anti-trafficking efforts by national governments globally. The research will assess the links and sequencing of factors that have led to improved political will and capacity in national governments to address trafficking in persons. Beyond looking at existing indicators, the project goes to the source and captures the views of experts and stakeholders working in counter-trafficking at the national level, including legislators, policymakers, and service providers. Guyana is a developing country located at a crossroads between North and South America and the Caribbean, making it attractive to transnational criminal organizations wishing to carry out smuggling operations into the region or to cross it on their way to other continents. Guyana shares borders with three other countries and through its waters has easy access to Caribbean waters and islands, making it an ideal destination and transit country for human trafficking. Most of the cross-border trafficking into Guyana occurs intra-regionally within CARIFORUM and the broader Americas. Increasing migrant flows due to political instability in Venezuela has resulted in an upsurge of vulnerable Venezuelan nationals along with others being trafficked into Guyana and its interior. Structural factors in addition to political instability, such as poverty and unemployment, have also been determined as some of the root causes based on the profile of victims identified in Guyana. This study provides information on policymaking and legislative efforts currently being undertaken in Guyana. It is envisioned that the findings will be used by Guyana and its stakeholders to inform evidence-based priority response interventions.

Methodology

The project was conducted over three months from June to August 2021. The methodology employed a case study framework to study the determinants of human trafficking law and policy within Guyana. The consultancy team comprised persons with multidisciplinary technical competencies and experiences, as well as a strong understanding of the cultural, socio-economic, and political contexts of the Human Trafficking sector of Guyana.

Research Approach

Using qualitative methods, the research will contribute to an overall increased understanding of the context of the determinants of human trafficking policy and legislation making.

Initially, an in-depth, cross-temporal, national-level desk research was undertaken of policies and legislation, including analysis of policy documents (*travaux préparatoires*). The output of this desk research was undertaken as a starting point for the country-specific literature

review of Guyana. To ensure rigorous analysis, particular attention was paid to the effectiveness of the nature of the research methods employed, the type of evidence used (empirical versus desk-based), and the type of source (broadly, academic source versus grey literature).

Literature and Statistical Reviews

Literature on trafficking in persons in Guyana has mainly been initiated by non-governmental and specialized international organizations, and recently by the local media. A broader literature review nonetheless provided substantial background information on a range of elements considered as push factors.

Media Review

The research team also conducted a media review, analysing newspaper coverage of trafficking in persons in Guyana from June 2021 to August 2021. During this period the government completed training of officials on migration management, the US Department of State TIP Report (TIP Report) was carried out, and on 4th August 2021 the Attorney General announced new Trafficking in Persons legislation. The three newspapers in which articles or other coverage of TIP were identified for the period of June to August 2021 were *Kaieteur News*, *Guyana Chronicle* and *Stabroek News*.

Key Informant Interviews

The Consultant obtained primary data by conducting individual interviews and facilitating a focus group. Using standardized interview questionnaires for rigour and validity, the key informants consulted included government officials, legislature/parliaments, academics, lawyers, criminal justice stakeholders, service providers, and those working for relevant NGOs and other civil society organisations. This approach was used to ensure a 'representation balance'. The instrument was used to explore the full range of policy issues around human trafficking. Some of those issues included: what persons knew about trafficking in persons, how much persons were willing to reveal, what persons could provide about how policy choices are selected and implemented, and the capacity of key informants to counter-trafficking at various levels, including legislative, policy and program levels. The instrument was designed as a guide for the interview sessions, and therefore some informants were not asked all items as it was tailored to each case. Each interview has been sourced against a questionnaire code (Q.1, etc.). The questionnaire was also tailored for the Focus Group participants. Framework analysis was used to analyse the data.

Limitations and Challenges

The National Research Consultants faced several challenges in collecting data for this project:

- 1) The capacity to collect and systemize data remains a challenge for Guyana as a developing State. For TIP there appeared to be a paucity of information especially as it relates to the profile of victims and traffickers, current types of exploitative measures,

domestic and regional routes being utilized, and prevalence of corruptive practices by State officials. There was a general absence of information on the issue of determinants of policymaking.

- 2) The Non-State Actors who were invited to the Focus Group discussion on more than one occasion did not attend. The feedback is that there appears to be a divide among the NGOs who were invited to participate in the National Anti-Trafficking Task Force and those who were not. There was general concern that there would be a political backlash from speaking in a group setting on the issue.
- 3) Time and technology limitations also impacted the primary data collection, particularly the fielding of the questionnaire as the COVID-19 pandemic restricted travel to undertake face to face interviews, which in some cases would have been more effective – especially for the State actors’ interviews.
- 4) The tenure and timing of the consultancy also inhibited the participation of some government officials, as well as the team’s ability to access “public” records and other critical information that would have contributed to the assessment of what influences government policymaking concerning human trafficking in Guyana.

However, to fill this information gap, secondary sources such as findings contained in the annual U.S. Department of State’s TIP Report, the Global Slavery Index, UNODC’s reports, as well as other global and regional reports, were used.

Applicable Legal Framework

In terms of anti-trafficking efforts, Guyana is a signatory to the *United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children* supplementing the *UN Convention Against Transnational Organized Crime* (UN TIP Protocol/Palermo Protocol) and has been since 2004. It has also ratified the Protocol, and in keeping with its international obligations under this Treaty, Guyana enacted its national legislation which came into effect on 7th April 2005.

The Act provides for many offences, including trafficking in persons defined in Section 2(k), similar to Section 3 of the UN Protocol. One of the first objectives set by Guyana in implementing its strategy against human trafficking has been the adoption of the UN TIP Protocols definition of the crime of trafficking in human beings and of proportionate criminal penalties. This definition is an essential requirement for implementing action in criminal matters. Thus, Trafficking in Persons continues to include engaging in, or assisting another person to engage in, or organizing or directing other persons to engage in, trafficking in persons.

This legislation covers both sex trafficking and trafficking for the purpose of forced labour. It applies to any person, regardless of biological sex and gender. The TIP Act also covers

transgressions that are not human trafficking, but are related offences.⁶ Guyana also has trafficking laws and non-criminal statutes that allow for civil penalties against alleged trafficking crimes, such as civil forfeiture laws and laws against illegal debt.⁷

Since 2005, trafficking and the anti-trafficking landscape has changed significantly. Guyana has now sought to amend its legislation to include some areas touching and concerning TIP which were not previously provided for.⁸ For example, although Guyana's 2005 legislation includes a provision for restitution, in which a victim is awarded compensation for the trauma they would have gone through once a perpetrator has been convicted,⁹ restitution has not practically been awarded or utilised in many court cases. The Attorney General (AG), as the coordinator for the Ministerial Task Force for Trafficking in Persons, reported that in 2021 the Court awarded a victim restitution and the perpetrator was given five years imprisonment. NGO stakeholders in this study anecdotally reported situations where victims were awarded compensation and restitution, but the trafficker died, or the case was appealed for some reason and the victims never received compensation/restitution.

There are sentencing guidelines for a range of offences related to trafficking in persons found within Section 3¹⁰ of the TIP Act. Moreover, Section 8 of the TIP Act sets out sentencing

⁶ Section 2 (e) (iii) Trafficking in persons Act of 2005, Ministry of Public Security, Government of Guyana. (2017). Annual report of the Ministerial Task Force on Trafficking in Persons 2017.

⁷ (a) Sections 3 (1) (i) (c) and Section 6 of The Combatting in Persons Act No. 2 of 2005 provides for restitution. Section 6 (2) states the victim shall be compensated for the cost of medical, psychological treatment, cost physical and occupational therapy, transportation, temporary housing and childcare, loss of income, legal fees emotional distress and any other losses suffered by the victim. (b) Section 7 The Combatting in Persons Act No. 2 of 2005 provides for forfeiture of property such as money, valuables and other movable and immovable property that was used or intended to be used or was obtained in the course of the crime or benefits gained from the proceeds of the crime shall be forfeited to the State. Overseas assets are also included. (c) Part VII of the Antilaundersing and countering the financing of terrorism Act, Chapter 10:11 lists trafficking in human beings and migrant smuggling as serious offences.

In 2000, recognizing the increasing need to address human trafficking globally; the international community through the U.N General Assembly adopted the *United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children supplementing the UN Convention Against Transnational Organized Crime (UN TIP Protocol/Palermo Protocol)*. Since its adoption, 173 States including Guyana has ratified the Protocol. Guyana has also enacted national trafficking in persons (TIP) legislation premised on the Palermo Protocol provisions. During this period significant progress has also been made in Guyana to combat human trafficking. Guyana like most countries, within this decade, has identified increasing numbers of victims of trafficking⁸ Trafficking in Persons in Guyana is governed by the Combating of Trafficking in Persons Act 2005 and came into effect on 7th April 2005. The Act provides for offences the major one of which is Trafficking in Persons, section 3 of the Combating of Trafficking in Persons Act 2005.

⁹ Section 6, Combatting of Trafficking in Persons Act,2005

¹⁰ The two key features in Section 3 of the Combatting of Trafficking in Persons Act No. 2 of 2005 Act are (I) Whoever engages in or conspires to engage in, or attempts to engage, or assist another person to engage in or organizes or directs other persons to engage in trafficking in persons on conviction of 3-5 years also pays restitution under Section 7 to the victim(s) and forfeits property under Section 6. The second features deal with recruitment, transportation, transfer, harbouring, or receipt of any child, or the giving of payments or benefits

guidelines for adjustments to be made to the sentence of a person convicted on indictment for the crime of trafficking in persons.

Legal Framework for Related Offences

Penalties for forced labour are provided for in the *Combatting of Trafficking in Persons Act* No. 2 of 2005 at Section 3(1). If a person is convicted either of sex trafficking or labour trafficking they are liable summarily to not less than three - five years imprisonment, or indictable to not less than five - life imprisonment. Forfeiture and restitution may also be ordered.

Laws are also in place to punish employers or labour agents who confiscate workers passports or travel documents, or who switch contracts without workers' consent. Section 4 of the *Combatting of Trafficking in Persons Act* states 'any person who for trafficking in persons [...] possesses any passport, immigration document, or government identification document belonging to another person commits an offence and shall on summary conviction be fined one million dollars together with imprisonment of not more than five years.' Additionally, Section 13(2) of the Labor Act, Chapter 98:01 addresses the penalty for the employer for failing to pay wages.

Victim Identification

Officials of the Government of Guyana acknowledge the need for law enforcement to improve victim identification. The only available victim data for Guyana to date comes from the US State Department's annual TIP Report. That source noted that '[i]n 2020, the government identified 199 victims and, NGOs an additional five victims, a significant increase from 102 victims identified by the government and three additional victims identified by an international organization in 2019.'

Investigations and Prosecutions

Trafficking in Persons cases in Guyana are heard at the Magistrate's Court as no specialised trafficking in persons court exist at present.¹¹ The Coordinator (AG) for the Ministerial Task Force for Trafficking in Person reported that a recommendation has been made for a specialised court and the Government of Guyana is actively considering the recommendation.

The TIP Act does provide that all hearings for these offences shall be held on camera and the identity of the victim must not be published. Any person who exposes the identity of the

to obtain the consent of a person having control of a child, for exploitation shall constitute trafficking in persons irrespective of whether the means have been established.

¹¹ Office of the Director of Public Prosecutions, Guyana < <http://www.dpp.gy/trafficking-in-persons/> > accessed 20 August 2021.

victim or the victim's family commits a summary offence and is liable to a fine of one hundred thousand dollars.¹²

There are no specialised prosecutors for trafficking in persons in Guyana and these offences are often prosecuted by the Guyana Police Force using police prosecutors.¹³ As far as investigations go, there has been a specialised Counter-Trafficking Unit of the Guyana Police Force for some time, however, this Unit faces financial resource challenges as it does not have a fixed, discrete budget.¹⁴

Although investigation and prosecution data in Guyana remains one of the biggest challenges to anti-trafficking efforts, the US State Department's 2021 TIP Report stated that '[i]n 2020, authorities reported 31 new investigations (23 for sex trafficking and eight for labour trafficking), compared to 27 in 2019 and 30 in 2018. The government reported one new prosecution for sex trafficking in 2020, compared with three prosecutions in 2019 and 11 in 2018. Authorities convicted one trafficker in 2020, compared with one in 2019 and one in 2018. In February 2021, a non-Guyanese was convicted of trafficking a Venezuelan woman for sex, following charges brought in June 2020.'¹⁵

Case Law

Although Guyana has been conducting several trafficking in person cases, there are no written case law judgements that can be easily accessed and referred to. This is mostly because Magistrates Court rules do not require magistrates to provide written judgements.

Mapping of Key Stakeholders

Many of the key stakeholders in anti-trafficking in Guyana are represented in the Ministerial Task Force established under the legislation, and they represent a collection of governmental and non-governmental agencies. According to the legislation, the Task Force shall include 'the Ministers of Legal Affairs, Foreign Affairs, Labour, Human Services and Social Security, Amerindian Affairs, Home Affairs, other appropriate high-level government officials including officials with responsibility for law enforcement, immigration, and human and social services and appropriate non-governmental organisations.'¹⁶

At present, some of the members of the Task Force include:

¹² Section 15, Combatting of Trafficking in Persons Act, 2005

¹³ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

¹⁴ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

¹⁵ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

¹⁶ Section 30(2), Combatting of Trafficking in Persons Act, 2005.

- 1) Ministry of Human Services and Social Security
- 2) Ministry of Home Affairs
- 3) Guyana Women Miners Organisation – NGO
- 4) Help and Shelter – NGO

There are other prominent stakeholders in Guyana including the IOM, UNHCR, UNDP, UNODC and the Caribbean Development Bank. No survivor-led organizations were found.

Funding

International, Regional, and Other Funding

The US Department of State and the IOM have both provided significant funding for anti-trafficking efforts in Guyana.

In 2018, the Government of Guyana (GOGY) has applied for financing from the Caribbean Development Bank (CDB) in an amount equivalent to US\$149,950 towards the cost of the Combating Trafficking in Persons Project. This funding was granted, and a project began in Guyana.

Existing Internal Funding

The Government of Guyana has specifically allocated funds to combat trafficking.¹⁷ In the fiscal year 2020, the government reported that the C-TIP Unit received a budgetary allocation of 25.86 million GYD (US\$120,270) and in the fiscal year 2021, 37.67 million GYD (US\$175,230). In cooperation with an international organization and a foreign donor, authorities developed but did not yet implement SOPs for victim identification pending an additional government review.¹⁸

Authorities opened a new shelter for trafficking victims in a rural district, bringing the total number of government-operated shelters offering specialized care, including food, training, translation, legal services, medical services, and psychological therapy, for trafficking victims to five. The government also provided 62.35 million GYD (\$290,000) in 2020 to two NGO-managed shelters providing housing for adult female victims of gender-based violence and human trafficking, an increase from 2.35 million GYD (\$10,930) in 2019. The NGO shelters provided victims with the same range of services as the government-operated shelters. The government provided 4.52 million GYD (\$21,000) of direct financial assistance

¹⁷ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021

¹⁸ US Department of State Trafficking in Persons Report 2021, page 267 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

to victims who chose not to stay in a shelter, an increase from 2 million GYD (\$9,300) last year.¹⁹

National Counter-trafficking Mechanisms

The challenges faced by law and policymakers working against human trafficking in Guyana are complex. The reality of trafficking is that it crosses several policy boundaries as well as State boundaries. Porous borders, corrupt government officials, involvement of organized criminal groups or networks, limited capacity of or commitment by immigration and law enforcement officers to control the borders, are factors that facilitate trafficking in persons in Guyana.

When measured against the 4Ps (prevention, protection, prosecution, partnership) framework to improve counter trafficking responses, the Government of Guyana has in the last decade taken concrete steps to mitigate TIP within its borders and to meet international human rights standards. Some of the efforts undertaken include the establishment and expansion of a specialized Anti-TIP police investigation and prosecution unit, creation of the Ministerial Task Force on Trafficking in Persons, development of a National Action Plan, development of SOPs on handling TIP cases, and the establishment of a TIP shelter. Typically, the national action plan covers two years, but the one that is currently being crafted will be for five years.²⁰

In 2020 the government made significant strides in local mechanisms including increasing investigations, identifying and assisting more victims, creating the first anti-trafficking hotline in Spanish, opening an additional shelter, and creating SOPs for victim identification.²¹ Several stakeholders lauded the Ministerial Task Force as one of the most influential actors on the ground.

Country Specific Conditions with a Potential Impact on Anti-Trafficking Structures

Tied Visa Schemes

Guyana is a member of CARICOM, a regional grouping that supports 'national treatment' for nationals of its member States in any of the affiliated territories. Thus, CARICOM nationals are entitled to a 6-month automatic, visa-free stay upon entry into any CARICOM country. Additionally, CARICOM has a programme that allows for free movement to live and work without a visa for CARICOM nationals. These provisions have increased the level of inter-country migration.

¹⁹ US Department of State Trafficking in Persons Report 2021, page 267 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

²⁰ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021.

²¹ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

Although Haiti is a member of CARICOM, Guyana recently reintroduced immigration laws that require citizens of Haiti and Cuba to acquire visas before entering Guyana. This decision was predicated on recent incidents involving Haitian nationals found in Guyana, some of which the Attorney General said has 'all the trappings of human trafficking'.²² This is part of a recent development where the neighbouring countries of Brazil and Suriname have been placing pressure to stem the flow of migrants, especially from Venezuela.

Bilateral Agreements and Conflicts

Guyana and Venezuela disagree regarding the alleged nullity and invalidity of an arbitral award handed down in 1899 which found that the Essequibo region lies on Guyana's side of the border with Venezuela. The resolution of the dispute is of significant economic interest to the parties, as the area is rich in natural resources. The world's largest untouched oil reserves lay in the east of Venezuela, around the Orinoco River delta, close to the disputed border with Guyana. Natural resources are also present in the (as yet undelimited) coastal [waters](#), and Guyana's exploratory activities in the area have been protested by the Venezuelan Government.

Despite the border conflict, Venezuelans have been allowed to remain automatically in Guyana since 2018, whether they entered irregularly or not. This represents the historical relationship between the countries and the unstable conditions in Venezuela that have increased migration flow into Guyana.²³

International Rankings/Assessments

Over the last few years, Guyana has performed relatively well in international assessments. Stakeholders within the country place more weight on the US Department of State's TIP Report as a measurement index of their progress than the Global Slavery Index (GSI) and the UNODC's report. The US TIP Report was referenced in the interviews and the focus group, as compared to the GSI and UNODC Reports which were not mentioned at all during the interview process.

US Department of State Trafficking in Persons Report

For the last five consecutive years Guyana has been awarded Tier 1 status on the annual US TIP Report. Tier 1 indicates that 'the Government of Guyana fully meets the minimum

²² 'Guyana plans reintroduction of visa requirements for Haitians and Cubans' (News Source Guyana, 23 June 2021) < <https://newssourcegy.com/news/guyana-plans-reintroduction-of-visa-requirements-for-haitians-and-cubans/> > accessed 20 August 2021.

²³ US Department of State Trafficking in Persons Report 2021, page 267 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

standards for the elimination of trafficking’ and that ‘the government continued to demonstrate serious and sustained efforts’.²⁴

Global Slavery Index

According to the latest Global Slavery Index from 2018 the estimated prevalence of victims in Guyana is 2.6 victims per 1,000 population, bringing the estimated absolute number of victims to 2,000, and giving Guyana a regional ranking of 12th in the Americas.²⁵

According to this same report, Guyana’s estimated vulnerability to modern slavery had an overall weighted average of 45.4. This was calculated using the factors of governance issues (49.5), lack of basic needs (25.6), inequality (60.4), disenfranchised groups (28.1), and effects of conflict (12.4).²⁶

In 2016, the response of the Guyanese Government to modern slavery was measured at CCC, and this remained the same in the 2018 report.²⁷ This CCC ranking translated to a total score of 31.5 along with the following indices: support survivors (33.1), criminal justice (44.4), coordination (25.0), address risk (45.2), and supply chains (0.0).²⁸

UNODC GLO-TIP Report

Guyana was not used as an assessment country either for the Central America and the Caribbean or the South America regions of the Report, and therefore there is nothing to be said about its performance based on this source.

However, significant work remains to be done to adequately protect and support victims including; investigate and prosecute cases to secure convictions; reduce corruption and complicity of officials; and improve coordination between the government and NGOs. The major challenge in Guyana in addressing TIP is the limited technical and financial resources available to bolster anti-TIP efforts. Many of the gaps and needs identified in this report require not just resources but also resolute commitments from its political administration to ensure that resource allocation is adequate, and efforts are sustained to reduce and remove

²⁴ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

²⁵ Regional Findings, Global Slavery Index 2018, page 77 < https://downloads.globalslaveryindex.org/ephemeral/GSI-2018_FNL_190828_CO_DIGITAL_P-1629461457.pdf > accessed 20 August 2021.

²⁶ Regional Findings, Global Slavery Index 2018, page 79 < https://downloads.globalslaveryindex.org/ephemeral/GSI-2018_FNL_190828_CO_DIGITAL_P-1629461457.pdf > accessed 20 August 2021.

²⁷ Regional Findings, Global Slavery Index 2018, page 80 < https://downloads.globalslaveryindex.org/ephemeral/GSI-2018_FNL_190828_CO_DIGITAL_P-1629461457.pdf > accessed 20 August 2021.

²⁸ Regional Findings, Global Slavery Index 2018, page 81 < https://downloads.globalslaveryindex.org/ephemeral/GSI-2018_FNL_190828_CO_DIGITAL_P-1629461457.pdf > accessed 20 August 2021.

the socioeconomic and environmental TIP catalysts. A promising step is the increased political will and policy initiatives to address the issue of TIP at the national level.

Determinants of anti-trafficking efforts

The key determinants of anti-trafficking law and policy in Guyana are influenced by internal and external factors. **International legal frameworks** have been critically important in shaping the anti-trafficking efforts of Guyana. This includes the UN Protocol, upon which Guyana's legislation has been modelled,²⁹ and the **international reputation** of the State as it relates to its Tier 1 status from the US TIP report, its **funding and aid**, and potential sanctions for the country.³⁰ During an interview, it was also mentioned that the US TIP Report helps to keep TIP issues in Guyana relevant and a priority.³¹ Government actors agreed that the TIP Report has an impact, but indicated that they utilise this mechanism as a benchmark so that they know what is required.³² They then clarified, however, that Guyana is making anti-trafficking progress because they **want to** and because they do what they have to do, and that by the time recommendations are made in the report they have made at least 50% effort to address the issues raised.³³ One government stakeholder expressed 'Of course we're being judged on what we do by the external agencies, but also [by] our government and we want to show that we are doing something to address this crime, this issue that is happening in the country'.³⁴

Another one of the key determinants for action is **resources**. Guyana is a country that has always been limited in resources, and having the necessary human, physical, economic, and other resources to combat trafficking in all its multiple facets has been a challenge that the government has struggled to grapple with.³⁵

Particulars of determinants by type of response

The existing literature, as well as the interview and focus group conducted with stakeholders, revealed factors that impact response under each of the following categories of determinants:

²⁹ Interview with Mrs Shalimar Ali-Hack, Director of Public Prosecutions and Mrs Diana Kaulesar-O'Brien, Assistant Director of Public Prosecutions, July 2021.

³⁰ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021; Interview with Help and Shelter, July 2021.

³¹ Interview with Mrs Shalimar Ali-Hack, Director of Public Prosecutions and Mrs Diana Kaulesar-O'Brien, Assistant Director of Public Prosecutions, July 2021.

³² Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021; Focus Group, Government Stakeholders, July 2021.

³³ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021; Focus Group, Government Stakeholders, July 2021.

³⁴ Interview with Ministry of Amerindian Affairs, August 2021.

³⁵ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

Prosecution

Guyanese stakeholders have admitted that the US State Department's TIP Report provides a guideline and recommendations for their actions. However, they were reluctant to say that their efforts are driven by this. Instead, what has emerged from the conversations is that in an effort to appear serious about combatting trafficking and prevent themselves from being downgraded on the US State Department's TIP Report, Guyana has taken several steps.³⁶ For example, NGO stakeholders reported that the government has placed heavy emphasis on prosecution including the training of judges and lawyers.

Protection

Protection efforts by government actors through public awareness and care for survivors including housing and medical attention are inspired by humanitarian concerns, i.e. not wishing for persons to starve, and the protection of their own border from irregular migrants, particularly from Venezuela. This action is further driven by the presence of the international agencies UNHCR and UNICEF at the country's borders and its international legal obligations.³⁷

Prevention

There is inadequate information, awareness-raising, and training for those who work in the field. One of the major reasons for this is the geographical spread of Guyana and the diversity of the population, which makes it difficult for government stakeholders to reach all the persons within the country.³⁸ Additionally, COVID-19 has placed a strain on their resources and impacted their ability to spread public awareness in the already remote areas, such as indigenous and mining communities.

Another determinant is that some of the information available to the public is inaccurate or improperly placed, and therefore it does not have the anticipated results. The media was mentioned as one of the actors responsible for the spread of incorrect information about trafficking. They have a critical role to play in awareness and the reporting of TIP, but many times they report that the government is countering prostitution rather than rescuing victims of trafficking.³⁹

³⁶ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

³⁷ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021; Focus Group, Government Stakeholders, July 2021.

³⁸ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021; Interview with Help and Shelter, July 2021.

³⁹ Interview with Guyana Women Miners Organisation, July 2021.

Partnership

Partnership within anti-trafficking in Guyana is limited because the way that the government engages with civil society organisations and service providers working on victim protection and assistance is tokenistic rather than meaningful. As the government has the majority of funding available for anti-trafficking in Guyana, this limits the range of efforts that can be employed to combat the crime of human trafficking.

While most stakeholders felt that the determinants of policy did differ based on the type of political or economic events or pressures that were occurring at the particular moment in time, some felt that the determinants of policy over the last decade have been largely driven by international obligations, international standing, and resources being received from external agencies.⁴⁰ Another perspective was that the determinants have only varied as a consequence of the emerging oil-driven economy of Guyana.⁴¹

Particulars of determinant by form of exploitation

Sexual exploitation and labour trafficking are the two biggest forms of exploitation in Guyana and drive the efforts and responses to combat trafficking.⁴² Generally, all the stakeholders agreed that most of the anti-trafficking efforts and resources in Guyana are geared towards sexual exploitation as it is the most prevalent type of exploitation in Guyana.⁴³

Resources and anti-trafficking efforts are far more scarce when it comes to labour trafficking. Although mining is one of the industries in Guyana where trafficking is most prevalent, the government agencies are not robust. This has resulted in a circuitous cycle because stakeholders have concluded that even if you report labour trafficking, it will not go very far, therefore, they do not report and subsequently there is little done regarding labour trafficking.⁴⁴ It was mentioned that within the context of labour exploitation, domestic servitude is often neglected without much consideration.⁴⁵ Despite the disparity in practical application of resources to the different types of exploitation, the stakeholders also added that the law and policy does not distinguish between them.

⁴⁰ Interview with Mrs Shalimar Ali-Hack, Director of Public Prosecutions and Mrs Diana Kaulesar-O'Brien, Assistant Director of Public Prosecutions, July 2021.

⁴¹ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021.

⁴² Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁴³ Interview with Ministry of Amerindian Affairs, August 2021.

⁴⁴ Interview with Guyana Women Miners Organisation, July 2021.

⁴⁵ Interview with Guyana Women Miners Organisation, July 2021; Interview with Help and Shelter, July 2021.

Particulars of determinants according to trafficked persons' profile

In Guyana, the profile of the victim has increasingly become a determining factor in efforts to combat trafficking in persons. One government stakeholder acknowledged that there is not enough information on different victim profiles to properly influence their efforts.⁴⁶ They added that an analysis of victims, including why there are so vulnerable, is needed so that policymakers can become more sensitive about specific factors relating to victims.⁴⁷ The same sentiment was echoed by the Chancellor of Guyana who said that without involving survivors and creating strategies that reflect what they reveal 'there is the risk of creating law and policy in the abstract which would not meet the aims of prevention, protection and prosecution'.⁴⁸

It is noteworthy that the US State Department 2021 TIP Report indicated that '[v]ictim assistance remained a serious concern in areas outside the capital and for Venezuelan, child, and male victims. In some instances, officials did not screen for trafficking indicators among vulnerable populations, including Venezuelans, those working in the mining sector, and Cuban medical professionals working in the country.'⁴⁹ This is because many persons migrating into the country for mining work do so in unregulated and clandestine manners, and also because most government departments and resources are centrally located within the capital so it is difficult to regulate what occurs outside those areas.

Sex, Gender Identity and Sexual Orientation

The broader national policy strategy includes the fight against gender-based violence and patriarchal structures through the adoption of legislative and political measures for the promotion of equal opportunities and the eradication of all forms of gender-based discrimination. However, this is not extended under the four Ps framework for combating human trafficking.

Stakeholders have acknowledged that this lack of policy contradicts the fact that females constitute many persons trafficked into Guyana and identified as victims within Guyana.

While not explicit in policy, the responses from stakeholders, both government and non-government, illustrated the importance of the gender dynamic as a key determinant in anti-

⁴⁶ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁴⁷ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁴⁸ 'Human traffickers finding a way to circumvent pandemic hurdles- police' (Stabroek News, 02 August 2021) < [Human traffickers finding ways to circumvent pandemic hurdles – police - Human Trafficking News Today - EIN Presswire \(einnews.com\)](#) > accessed 20 August 2021.

⁴⁹ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

trafficking in Guyana. They repeatedly mentioned ‘the girls’ or ‘the women’ which shows where their focus is heavily placed. A very robust response to trafficking for female victims as compared to males was reported at all levels from reporting to protection.⁵⁰ This is influenced by the fact that most victims reported and detected in Guyana are young and female. The NGOs have also placed much focus on the needs of women and girls in the development of their shelter and education programmes.

Age

The determinants of the policy on children have been mainly driven by external pressure from international agencies. Guyana’s legislation includes a special provision for the trafficking of a child: the recruitment, transportation, transfer, harbouring or receiving of a child or the giving of payments or benefits to obtain the consent of a person having control of a child for exploitation shall constitute trafficking in persons, regardless of whether it has been established that it was done employing threat or the use of force or other means of coercion, or by abduction, fraud, deception, abuse of power or a position of vulnerability, or by giving or receiving payments or benefits to achieve the consent of a person having control over another person, for exploitation. In other words, all that is needed to be established is the first element.⁵¹ Additionally, for this offence, the alleged consent of a victim is irrelevant and the age of consent to sex or marriage shall not be used as a defence.⁵² Apart from these provisions, the age of a victim has not emerged as a major influential determinant in anti-trafficking in Guyana. It has however been acknowledged that trafficked persons who are rescued from the interior are often underaged. In these instances, the Child Protection Agency (CPA) generally becomes involved and takes the lead.⁵³

The Government of Guyana National Plan of Action is geared at the elimination of child labour in Guyana completely by the year 2025.⁵⁴ Part of the plan is also to prioritize and review the legislative agenda by 2020, looking for gaps within the agenda’s findings. Areas such as the *Education Act*, *Employment Young Persons and Children Act*, *Occupational Health and Safety Act*, and *Combating of Trafficking in Persons Act*, will be under review.

⁵⁰ Interview with Guyana Women Miners Organisation, July 2021.

⁵¹ Office of the Director of Public Prosecutions, Guyana < <http://www.dpp.gy/trafficking-in-persons/> > accessed 20 August 2021.

⁵² Section 9-10, *Combating of Trafficking in Persons Act*, 2005; Office of the Director of Public Prosecutions, Guyana < <http://www.dpp.gy/trafficking-in-persons/> > accessed 20 August 2021.

⁵³ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021; Interview with Oliver Profit, IOM Guyana, July 2021.

⁵⁴ UNICEF, ‘Situational Analysis of Children and Women in Guyana’ (July 2016) page 14 < https://www.academia.edu/31408944/The_Situation_Analysis_of_Children_and_Women_in_Guyana > accessed 20 August 2021.

These pieces of legislation are to be brought in alignment to deal comprehensively with issues relating to child labour.⁵⁵

Some of the proposed change is influenced by entities such as UNICEF, who have expressed concern that Guyana's heavy reliance on its extractive and timber industries might generate violations of children's rights, and have found that 50 per cent of trafficked persons in the country are children under the age of 18.⁵⁶ UNICEF further highlighted that these issues stem from the economic situations in which families live and that the *UN Committee on the Rights of the Child* has articulated this concern, especially relating to the impact of these businesses on the living conditions of children and their families in the regions directly affected, along with issues related to child protection such as child abuse, child labour, and child trafficking.⁵⁷

Thus, a Unit is to be established within the Department of Labour to deal specifically with child labour. Guyana has also implemented a Child Labour Policy with the support of UNICEF.⁵⁸

Citizenship and migration status

Before 2017 many victims of trafficking within Guyana have been Guyanese nationals trafficked from the 'coast' into the interior regions or from the interior regions and into other interior areas.⁵⁹ However, based on reports from various sources over the last decade, human traffickers exploit domestic and foreign victims within Guyana, as well as Guyanese victims abroad.⁶⁰ Migrants, mainly young people from rural and indigenous communities, and those without education, are the most vulnerable to human trafficking.

Women and children from Guyana, Brazil, Cuba, the Dominican Republic, Haiti, Suriname, and Venezuela become sex trafficking victims in mining communities in the interior and

⁵⁵UNICEF, "Child labour policy and National Plan of Action *The Government of Guyana has taken a proactive role to eliminate child labour* By Pragmatic 10 February 2020 >accessed 20 August 2021.

⁵⁶ UNICEF, 'Situational Analysis of Children and Women in Guyana' (July 2016) page 14 < https://www.academia.edu/31408944/The_Situation_Analysis_of_Children_and_Women_in_Guyana > accessed 20 August 2021.

⁵⁷ UNICEF, 'Situational Analysis of Children and Women in Guyana' (July 2016) page 14 < https://www.academia.edu/31408944/The_Situation_Analysis_of_Children_and_Women_in_Guyana > accessed 20 August 2021.

⁵⁸ UNICEF, *Child labour policy and National Plan of Action The Government of Guyana has taken a proactive role in eliminating child labour.* By Pragmatis 10 February 2020,>accessed 20 August 2022.

⁵⁹ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021.

⁶⁰ US Department of State Trafficking in Persons Report 2021, page 268 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

urban areas.⁶¹ In recent years, Guyanese Government officials have reported that Venezuelan women account for most trafficking victims or suspected trafficking victims detected in Guyana.⁶²

According to government officials, the attitude towards Venezuelan migrants is generally hospitable, and they talk about 'Venezuelan migrants rather than foreign nationals' because of the historical migrant links'.⁶³ However, stakeholders have admitted that they have not necessarily treated this population diligently from a trafficking perspective. They have not fully met their legal obligations to protect victims and not criminalise them in keeping with the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. Instead, they have handled Venezuelans and other migrants based on their international legal obligations to protect refugees, migrants and trafficked persons, and it is these humanitarian mandates that ultimately drive their anti-trafficking efforts.⁶⁴ Stakeholders indicated that their efforts were with an intention to ensure that persons within their borders did not suffer or go hungry, rather than specifically ensuring that they are not trafficked.

Race and ethnic origin and other criteria

The 2016 Report of the Ministerial Task Force suggested that '[t]he majority of victims were of mixed-race with 52.3 per cent falling into this ethnic group. This group, as recorded by the Police statistics was comprised largely of individuals from Latin American countries such as the Dominican Republic, Brazil, and Venezuela. The report went on to state that this ethnic group was followed by the Indigenous People with 24.9 per cent, Afro-Guyanese with 13.7 per cent and Indo-Guyanese with 9.1 per cent'.⁶⁵ Several stakeholders reported that victims were often members of the indigenous communities.

One government stakeholder explicitly mentioned that about 15% of Guyana's land is owned by their indigenous population, which is governed by specific laws.⁶⁶ This community is particularly important to the government's anti-trafficking efforts because the main groups of persons coming from Venezuela are 'cousins' of the indigenous people of Guyana.⁶⁷ If

⁶¹ US Department of State Trafficking in Persons Report 2021, page 268 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

⁶² Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021; 'Govt expanding Counter TIP Unit' (Guyana Times, 05 August 2021) < https://guyanatimesgy.com/govt-expanding-counter-tip-unit/?__cf_chl_jschl_tk__=pmd_Fc1G6QshFjuNloYIja6CORpXARLUSdZFTTdcok_AKFQ-1629497259-0-gqNtZGzNAfujcnBszQiR > accessed 20 August 2021.

⁶³ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁶⁴ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁶⁵ '12-18 age group, females most vulnerable for TIP in Guyana' (11 January 2018, iNews Guyana) < [12-18 age group, females the most vulnerable for TIP in Guyana | INews Guyana](#) > accessed 20 August 2021.

⁶⁶ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁶⁷ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

one of their persons enters Guyana and is trafficked it is unlikely that the community will report this to the police as they take care of their own.⁶⁸ Therefore, the indigenous people must be involved in anti-trafficking discussions and if they are left out of the whole matrix, they will not be responsive to anti-trafficking issues because they don't feel part of the system.⁶⁹ In addition to this, indigenous persons are less represented in anti-trafficking policy and practice, partially because they have their own governance structures that are not engaged by the national government.⁷⁰ The Ministry of Amerindian Affairs provided some context to this, and indicated that they lend support to the other Ministries where any indigenous victims are concerned.⁷¹

Particulars of determinants according to perpetrator profile

External pressure from the US Department of State, UNODC, IOM, ILO and other agencies have been the driving force of improved data collection efforts by the Government of Guyana. Information on the perpetrators of trafficking in Guyana is less well documented than that on victims of trafficking. In 2016 the Annual Report of Guyana's Ministerial Task Force on Trafficking in Persons mentioned that the profiles of suspected perpetrators were predominantly middle-aged persons who provided entertainment for the public, as well as family members of the alleged victims.⁷² Stakeholders stated that more attention needs to be paid to perpetrators, as the complexity and increasing occurrence of the crimes have served as pressure points and determining forces for government action. The Government of Guyana is in the process of establishing Courts outside of Georgetown that will focus on handling trafficking cases. SOPs for prosecutions of perpetrators have also been adopted.

According to government reports in the US State Department's TIP Report: 78 per cent of human trafficking perpetrators in 2020 were men, predominantly of Guyanese nationality; 14 per cent of traffickers were from Venezuela; while approximately three per cent were of Dominican and Haitian origin. NGOs reported that traffickers are often middle-aged men who own or operate nightclubs. Some traffickers are also immediate family members of the

⁶⁸ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁶⁹ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁷⁰ Interview with Guyana Women Miners Organisation, July 2021.

⁷¹ Interview with Ministry of Amerindian Affairs, August 2021.

⁷² '12-18 age group, females most vulnerable for TIP in Guyana' (11 January 2018, iNews Guyana) < [12-18 age group, females the most vulnerable for TIP in Guyana | INews Guyana](#) > accessed 20 August 2021.

victims.⁷³ It was also noted that many victims are trafficked by persons of the same nationality.⁷⁴

On the other hand, stakeholders pointed out that in some cases which have been brought before the courts, the perpetrators have been women.⁷⁵ Multiple individuals made mention of the madams in the mining camps who run the Caimoos.⁷⁶ It was mentioned that usually it is owners, managers or operators of restaurants, bars and clubs, or relatives of victims who are the perpetrators. However, the sexual orientation and gender identity, race and ethnic origin, and citizenship of the perpetrators, vary.⁷⁷

Particulars of determinants by stage of response

Acknowledgment and prioritisation of trafficking as a policy issue

Some of the NGO stakeholders were of the view that Guyana's anti-trafficking efforts were image-driven so that the country appeared to be doing a lot and providing support, but they were responding to the US State Department TIP Report and what was needed to maintain a Tier 1 status. NGOs also added that the lack of policy surrounding TIP in Guyana was a concern.⁷⁸ The fact that the National Action Plans are prepared and implemented by the Ministerial Task Force was listed as a detriment that contributed to the gaps and challenges.⁷⁹ The government indicated that their response to combatting trafficking are handled from a humanitarian, human rights perspective.⁸⁰ According to the Office of the Director of Public Prosecutions, Guyana (DPP), their goal is to strengthen TIP legislation so that there will be more prosecutions.

Adoption of legislation and policy and setting up of institutions or mechanisms

There is optimism that the addition of SOPs to strengthen TIP legislation will bring more prosecutions. The SOP for *Investigating, Interviewing, and Prosecuting Trafficking in Persons* is being prepared with the Ministerial Task Force on Trafficking in Persons (MT-TIP) with financial support from the United States Department of State's Office to Monitor and

⁷³ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

⁷⁴ Interview with Guyana Women Miners Organisation, July 2021.

⁷⁵ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁷⁶ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

⁷⁷ Interview with Mrs Shalimar Ali-Hack, Director of Public Prosecutions and Mrs Diana Kaulesar-O'Brien, Assistant Director of Public Prosecutions, July 2021.

⁷⁸ Interview with Help and Shelter, July 2021.

⁷⁹ Interview with Help and Shelter, July 2021.

⁸⁰ Focus Group, Government Stakeholders, July 2021.

Combat Trafficking in Persons. This document, according to the DPP, is in its final stages and should be launched by the end of 2019. Following its publication, a series of training will be conducted to ensure proper implementation in related organizations.

Allocation of resources and capacity building

Simultaneous to legislative capacity building, the DPP is in the process of putting up bulletin boards to augment existing TIP awareness media. A bulletin board will soon be placed around the airport in multiple languages. There has been the expansion of the Counter-Trafficking Unit of the Police, as well as a dedicated Unit at the Ministry of Human Services and Social Security to handle the psychosocial aspects of trafficking.⁸¹ This is intended to help victims to feel more comfortable and willing to come forward and cooperate with investigations.⁸²

Implementation and enforcement of law, policy and practice

While there are no clear definitions of the notions of political will or political interests, it is acknowledged that the collective progress made in combating human trafficking is conditional on States' interests and priorities.⁸³ This is reflected in the analysis of specific interventions made by the Government of Guyana and the genuine effort to make structural changes and enforce legislation. Arguably, sustained political will is important in the fight against human trafficking, however, whilst political will is a necessity, political will does not emerge in a vacuum. Rather, political will is shaped and influenced by national and political interests. For example, the case of Guyana demonstrates that when policy initiatives are perceived by the citizenry to be beneficial to the country, the best interests of the ruling political party is also served. This factor significantly determines whether the commitment of the government of the day to anti-trafficking policies or goals will be high or low.

While the UN Protocol has had a 'very strong' impact in shaping the national legislation of Guyana, there is a persistent gap between Guyana's international obligations and its enforcement domestically. The TIP legislation is unevenly applied across Guyana because it is challenging to implement the law within the interior of Guyana.⁸⁴ When traffickers see strangers coming, or information is leaked, they move their operation, and law enforcement must restart efforts to locate and arrest them.

⁸¹ Focus Group, Government Stakeholders, July 2021.

⁸² Focus Group, Government Stakeholders, July 2021.

⁸³ See the Concept of Political Will to Confront Corruption' (Chr Michelsen Institute 2010) 1; Michael Anderson et al, 'Measuring Capacity and Willingness for Poverty Reduction in Fragile States' (2005) Department for International Development PRDE Working Paper 6.

⁸⁴ Interview with DPP, August 2021.

For the prosecutors, a barrier in the path toward their prosecution target is that some TIP victims are unwilling to cooperate with investigators or in court because they are afraid of what will happen to their families. Regular migration must be treated as an enabling condition to increase trafficking. Additionally, more considerable attention is needed in relation to trafficking and smuggling. While the two are different, they intersect when the smuggled person ends up as a trafficking victim.

One of the NGO interviewees also cautioned that because of image and an attempt to preserve funding, the government will often report a significant number of victims being rescued, however, this is a fallacy, and these people are often wrongly classified as trafficking victims.

Establishment of partnerships (including with civil society organisations and the private sector)

On one hand, the government spoke about valuing an all-inclusive approach to anti-trafficking which involves meaningful consultations with key stakeholders that then translate well into policy.⁸⁵ This approach as it was explained included 'whole government' and 'whole society', including partners such as IOM, UNHCR, and the private sector.⁸⁶ They also mentioned that the proclivity to cast blame on one stakeholder or another is not helpful.⁸⁷ On the other hand, a government representative highlighted that within the last five years there hasn't been much collaboration between civil society and the government. The present government which came to power in 2020 is seemingly seeking to repair and restore that relationship,⁸⁸ however NGO stakeholders still felt that there was a lack of collaboration, stating, 'if you want a role with the government in Guyana you have to agree with everything that government is doing'.⁸⁹ They also mentioned that there should be more NGO and trafficking victims representation on the task force.⁹⁰

The government stated that there was already inclusivity, and the task force included the main NGOs that are 'recognised and known' and that these NGOs subscribe to the national effort.⁹¹ However, NGOs with certain interests might not be included if their interests do not align with the national efforts.⁹²

⁸⁵ Focus Group, Government Stakeholders, July 2021.

⁸⁶ Focus Group, Government Stakeholders, July 2021.

⁸⁷ Focus Group, Government Stakeholders, July 2021.

⁸⁸ Interview with Minister Hon. Gail Teixeira, Minister of Parliamentary Affairs and Governance, July 2021

⁸⁹ Interview with Help and Shelter, July 2021.

⁹⁰ Ibid.

⁹¹ Focus Group, Government Stakeholders, July 2021.

⁹² Focus Group, Government Stakeholders, July 2021.

Monitoring and evaluation of anti-trafficking efforts and reporting

There is a lack of data collection on issues surrounding trafficking in persons, and by extension, anti-trafficking efforts. Therefore, at the local level, it has been difficult to monitor and evaluate. Stakeholders have even suggested that the regional universities, particularly the University of Guyana, should be utilised to conduct this research.⁹³

The NGO stakeholders felt that even when there is an evaluation of anti-trafficking efforts in Guyana by the Ministerial Task Force, it is not based on actual performance, but rather on what is in the US State Department's TIP Report. They believe that to measure the country's actual performance would require: an examination of the cases and why they were being thrown out; information on the number of homes and shelters; information from the victims as to what factors led them to accept the form of work that led to their exploitation; and understanding the community support for vulnerable groups.⁹⁴ It was also felt that the government needs to increase its accountability measures to ensure that the system is operating in the best interests of the victim.

Some efforts to increase this accountability were noted as ongoing, such as the Code of Conduct for the Ministerial Task Force, which was mentioned by the Ministry of Amerindian Affairs.

⁹³ Interview with Minister Hon. Gail Teixeira, Minister of Parliamentary Affairs and Governance, July 2021.

⁹⁴ Interview with Guyana Women Miners Organisation, July 2021.

Focus: Amendment to Policy and Legislation

Guyana has made efforts to update its law and create policies related to trafficking in persons. The draft of the new legislation is complete and has been sent to Cabinet for consideration. This new law is much more open and expansive, covering more areas and keeping up with the changes in trafficking in persons.⁹⁵ In addition, there are SOPs for multiple areas of anti-trafficking in Guyana which are at various levels of completion. These SOPs were created in collaboration with the IOM, and once they are complete they will accompany the legislation and provide a much more practical guide for stakeholders on how to handle matters related to trafficking.⁹⁶

Determinants

To some extent, these policy and legislative changes were necessitated based on the developments in trafficking and anti-trafficking since the TIP Act in 2005. This legislation was old and not in sync with realities on the ground, and it had not evolved with time and technology.⁹⁷ Additionally, it was influenced by recommendations from the US TIP report and the actions of stakeholders. It was clear that some law enforcement officers, and other officials were not clear about the practical steps and procedures as it related to trafficking in persons matters. Therefore, the SOPs will provide this guidance.

Concerns linked to the Amendment to Policy and Legislation

There were a few concerns with this improvement. The first related to the timing of when the legislation will be passed and when the SOPs will reach completion. This was not the first attempt at amending the legislation, but subsequent attempts had failed due to political changes and resource constraints. Additionally, the SOPs began as a collaboration between the Government of Guyana and the IOM. However, the IOM has now concluded the project in Guyana and new funding is now being sought.⁹⁸ Thus, their technical and administrative support is no longer present to see the SOPs through to completion.⁹⁹ This raises questions about sustainability.

⁹⁵ Focus Group, Government Stakeholders, July 2021.

⁹⁶ Interview with Oliver Profitt, IOM Guyana, July 2021.

⁹⁷ Interview with Ministry of Amerindian Affairs, August 2021.

⁹⁸ Interview with Oliver Profitt, IOM Guyana, July 2021.

⁹⁹ Interview with Oliver Profitt, IOM Guyana, July 2021.

Another concern is that this new law will still not be expansive enough. Even with this proposed legislation, Guyana has not yet started to focus on sex tourism, and the fact that some hotels provide women for their clients. Additionally, there is no incentive for businesses or individuals to report.¹⁰⁰

Relevance of these examples as representative of broader determinants

This example is very representative of broader determinants of anti-trafficking efforts. For a developing country like Guyana, there are always concerns about resources and whether there will be enough funding to see projects through to completion.¹⁰¹

¹⁰⁰ Interview with Guyana Women Miners Organisation, July 2021.

¹⁰¹ Focus Group, Government Stakeholders, July 2021.

Focus: Re-engagement of Ministerial Task Force

Guyana established the Ministerial Task Force on Trafficking in 2007 to facilitate the planning, implementation, and monitoring of national strategies to combat the crime.¹⁰² The Ministerial Task Force on trafficking in persons is a key factor in Guyana's anti-trafficking efforts. Since 2017, the activities of the Task Force had slowed down and become dormant for a year or two. Since 2020 this has improved and the Task Force now meets monthly to analyse strategy as the situation in Guyana changes rapidly, particularly as it relates to the crisis in Venezuela, economic issues, COVID-19, and the impact that these issues have on trafficking.¹⁰³ Added to this resurgence of the Task Force, there is now a Code of Conduct being drafted for the Task Force to provide accountability to the public interacting with the Task Force, but also clarify the roles among Task Force members.¹⁰⁴

Determinants

This improvement was partially motivated by a new government coming into power in Guyana in 2020. The new administration brought with it a shift in priorities and a new approach to anti-trafficking in persons. Additionally, there was some element of influence based on the US State Department's TIP Report. The Task Force was also increasingly needed to respond to the increase in trafficking cases being recorded, primarily from Venezuela and Haiti.¹⁰⁵

Concerns linked to the Re-engagement of Ministerial Task Force

There are three major concerns with this improvement. Firstly, its sustainability. The Task Force efforts were reduced near the end of the last government's tenure, so there is concern about whether this will happen again. There is also concern about accountability, both in the sense of members of the Task Force being accountable to each other and knowing what their various roles are, and in the sense of members of the public being able to hold the

¹⁰² Human Services Ministry, Task Force on Trafficking concludes Station Sergeant's training' (Caribbean Trakker, 11 December 2020) <[Human Services Ministry, Task Force on Trafficking concludes Station Sergeant's training – TrakkerNews- News all Day, every day. \(caribbeantrakker.com\)](#) > accessed 20 August 2021.

¹⁰³ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021

¹⁰⁴ Interview with Ministry of Amerindian Affairs, August 2021.

¹⁰⁵ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021; Interview with Ministry of Amerindian Affairs, August 2021.

Task Force accountable for their actions or inactions.¹⁰⁶ The third concern is stakeholder engagement. Although the Task Force has been revived and is more active, NGO stakeholders remain of the view that the involvement of civil society and victims in the process is too limited.¹⁰⁷

Relevance of these examples as representative of broader determinants

The tension between government and non-State actors pervades the entire anti-trafficking sphere and creates points of unease as they attempt to work together for the success of Guyana. This is unfortunate, particularly as the government recognises that in some cases the non-State actors are in the field, and are therefore better able to provide information and assistance.¹⁰⁸

¹⁰⁶ Interview with Minister Hon. Gail Teixeira, Minister of Parliamentary Affairs and Governance, July 2021; Interview with Ministry of Amerindian Affairs, August 2021; Interview with Guyana Women Miner's Organisation, July 2021.

¹⁰⁷ Interview with Guyana Women Miners Organisation, July 2021; Interview with Help and Shelter, July 2021.

¹⁰⁸ Focus Group, Government Stakeholders, July 2021.

COVID-19

Impact on anti-trafficking efforts

Human Trafficking into Guyana continued unabated during the COVID-19 pandemic. This is much driven by the increased vulnerability due to loss of income, violence, and economic and political instability in neighbouring countries. The US TIP Report 2021 noted that there was a 'documented impact of the pandemic on the government's anti-trafficking capacity'¹⁰⁹ and this was confirmed by local stakeholders, both governmental and non-governmental, who noted that their anti-trafficking work was disrupted to various extents by the pandemic and the accompanying public health measures. While there was no decreased government funding, social distancing and other regulations greatly impinge upon the services that governments and NGOs have been able to provide across the 4-P anti-trafficking paradigm, as many entities were on rotation or worked from home for much of 2020 and 2021.¹¹⁰

Conversely, the decreased visibility has been for the benefit of traffickers, enabling them to operate with little possibility of criminal consequences. Some of the traffickers became more clandestine, shifting their recruitment strategies online using Facebook and other social media, while it was reported that others moved their illicit activities from bars and clubs to private parties at homes and residences.

The government acknowledged that the economic crisis that is likely to follow the current health crisis is also likely to lead to increased vulnerability to exploitation and trafficking, thus deepening the need for more proactive efforts to combat their occurrence. In Guyana, due to COVID-19, most victims were being trafficked for labour and not so much for sexual exploitation. "This is a result of the pandemic somewhat crippling the entertainment and service industries and the general need for businesses to get restarted."¹¹¹ Moreover, the impact of COVID-19 on anti-trafficking efforts is intertwined with the role of data and research. The chaos wrought on governance structures and institutions by the onset of COVID-19 hampers logistical and administrative coordination, rendering the collection of relevant, disaggregated data on trafficking acutely difficult for 2020 to 2021. However, on the positive side, governments were able to make some changes which have been prompted by the onset of the pandemic. For example, the courts which were physically closed were able to switch to virtual hearings so that prosecutions could continue. This was of great

¹⁰⁹ US Department of State Trafficking in Persons Report 2021, page 266 < https://www.state.gov/wp-content/uploads/2021/07/TIP_Report_Final_20210701.pdf > accessed 20 August 2021.

¹¹⁰ Interview with Minister Hon. Gail Teixeria, Minister of Parliamentary Affairs and Governance, July 2021.

¹¹¹ Interview with Daniel Griffith, Coordinator- Ministerial Task Force, August 2021.

importance, as Guyana already has a backlog of cases within their judicial system, and without a specialized judicial officer to hear cases, or a specialized trafficking court, these delays could have significant ramifications for the case itself, the witnesses, and the victims.

Conclusion

This study represents the first effort to research the factors influencing the government's approach to trafficking in persons in Guyana. The findings inform the developments over the last decade and what has been driving policymaking in this regard. International and national events and pressures ranging from international obligations, international standing, funding, increased calls from neighbouring States to quell the movement of victims across the borders, as well as the increased number of victims who are primarily females, were among the most prominent issues mentioned.

In exploring the case of Guyana, the determinants were categorised as internal or external, and either as embedded structural factors or points of pressure. These broad groupings covered the anti-trafficking efforts which are varied in their form and focus. The resulting conclusion was that the factors which shape them cannot be explained by a linear narrative or a simple cause and effect relationship. Political will and economic conditions are an important backdrop that influences the State's capacity to address trafficking, and its receptiveness to, and ability to respond to, other determinants.

This review of the anti-trafficking efforts for the past decade in Guyana shows that a change of government can result in increased or decreased political will and efforts. Additionally, the factors and their degree of influence are context and time-specific, both because the factors themselves change and because the context in which those factors operate changes also (such as a change of government or crisis in another country). This is evident where the change of Government in Guyana in 2020 has resulted in increased anti-trafficking efforts.

With regard to the nature of determinants' effects, specific factors may have a direct impact, whilst others influence efforts indirectly. Undoubtedly, external monitoring and the presence and funding from international agencies significantly influence the actions of Guyana due to the country's economic conditions and political concern for its international reputation. Internally, civil society and media interact with public opinion, and play a role in raising political awareness which can influence political prioritisation through the shaping of electorate interests. However, their influence is dependent on government receptiveness. The internal pressures of court decisions and the increased number of trafficking victims also influenced government counter-trafficking efforts.

'Of course, we do want to be regarded as a [S]tate that does things in keeping with the human rights obligations; ... and we have to look good. We have to do what we have to do and indeed we do try as far as we can to meet our obligations under the Conventions which we are [S]tate party to. Of course, there are constraints as with any other developing country ... but certainly we do something [that] we feel is necessary as a government or a country to respect the rights of persons and make sure they are not caught in a vulnerable situation as persons who are coming here, looking vulnerable and get caught up in a

different situation.’ *Ambassador Elisabeth Harper, Permanent Secretary (Government Focus Group).*

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