

Consideration of Guyana's Initial Report to the Committee on the Protection of the Rights of All Migrants Workers and Their Families

Palais Wilson, April 11 -12, 2018

Opening statement by H.E. Dr. John Ronald Deep Ford, Ambassador and Permanent Representative of Guyana to the United Nations Office and other International Organizations at Geneva

Mr. Chairman,
Committee Members,

Good Afternoon. On behalf of the Government of Guyana, we express our appreciation to you and to the Committee in general – thanks for the work that you do on behalf of migrants everywhere.

My first message today is that Guyana is committed to doing well for migrant welfare in all of the areas of the International Convention on the Rights of All Migrant Workers and Members of their families. Thus, we are here ready to collaborate with you in understanding the situation as it is presented in the report today and most importantly learn of how we might work in the future, beyond this meeting to advance Guyana’s level of achievement related to its global, regional and national obligations in the context of this dialogue.

The Guyana Mission in Geneva, as you may be aware, was established very recently, in October of 2016 to be precise. We are accredited to UNOG, WTO, FAO and the Government of Switzerland to date. This will soon expand. We have been very active in a number of areas related to economics (primarily trade matters), social issues (primarily human rights and health interventions) and environmental concerns (primarily promoting a Green economy for Guyana). As a mission we have been relatively passive on migrant and migration issues, I suspect that this will change after these two days.

Guyana became a State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in July of 2010. This is Guyana's first report and the Government remains committed to all the tenets of this convention. The lessons gained in compiling this report underline the importance of technical support to bring us even closer to realizing the ideals of the Convention.

Guyana is still in the very early stages of addressing the issue of migrants, and within the last few years has established institutions and committees whose mandate include the care of migrants and migrant workers. The over 30 Government departments consulted when collating this report all play an important role with regard to the implementation of the Convention and as thus an important recommendation that has arisen from the Governance Department of the Office of the Prime Minister is that there be an interagency taskforce is a most realistic option for effective implementation of the Convention going forward.

Today we wish to convey to you the following main messages from the Government of Guyana:

- a) Guyana is committed, through its national laws, and its obligations **under** international treaties ratified, to providing migrants all the same human rights, exactly as national citizens are entitled – these rights are the same legal, economic, financial, employment, health, information, association, detention, marriage, citizenship, human and other rights. ((All persons protected under Article 40(1) of Guyana's constitution).
- b) The Convention on the Rights of All Migrant Workers and members of their families is respected in Guyana with the weight of international law, while recognizing that this does not have the same force as national laws. Thus, the Convention would act as persuasive authority in Guyana.
- c) Guyana has many laws that are in harmony with the Convention – for example, labour laws, laws related to Trafficking of Persons, Child's rights laws.
- d) Guyana is particularly proud of the health and education coverage that it provides to migrants. There is a health centre in every community and migrants access medical

- services and medicines free of charge from these centres. Similarly, access to education at the nursery, primary and secondary level is provided free of charge to all migrants as it is to any Guyanese citizen. These services are provided to regular and irregular migrants.
- e) The IOM regional office for the Caribbean is located in Guyana and this physical presence brings increased access to migrants in Guyana who are readily able to access all IOM services in the Caribbean territory in which they are located.
 - f) Guyana has been very proactive in its consideration and promotion of the Global Compact on Migration. An intergovernmental conference will be held in December of 2018 for the adoption of the GCM. Guyana is poised to adopt this important policy in 2018 with other State Parties.
 - g) Guyana has made efforts on its own and with assistance from several international organizations (IOM, EU/ACP, PAHO/WHO, USA, UK) to address the needs of migrants and remigrants, especially as this relates to integration into society, awareness of their rights, health, assistance, vocational and employment assistance, and education, among other areas of assistance. Ministry of Foreign Affairs and the Guyana Revenue Authority have collaborated to design a Re-Migrant Programme.
 - h) Guyana recognizes that the statistics currently gathered on migrants can be substantially improved, especially disaggregated by gender, age and other demographic characteristics. However, data by nationality and visa status as well as migrants in the educational system is presently being compiled.
 - i) Guyana recognizes that the institutional framework and associated budgets supporting implementation of the Convention needs to be strengthened at both the central coordinating level as well as within specific national, regional and local institutional points. However, it is accurate to say that there are many Government Departments that understand that protection of migrant's rights is a part of their mandate. Guyana has become acutely aware, through the compiling of this report, that an interagency

taskforce would be essential for a fuller and more effective implementation of the tenets of the Convention.

- j) Guyana considers its legislation and enforcement in the areas of the rights of children and human trafficking to have been considerably strengthened over the past five years while recognizing that there can still be improvements in these areas. The Combatting of Trafficking in Persons Act and Guyana's National Plan of Action for the Prevention and Response to Trafficking in Persons Report 2017-2018 and the Ministerial Task Force (led by the Ministry of Public Security) on Trafficking in Persons(TIP) are examples of this and has led to increasing prosecution of violators. Similarly, the Childcare Protection Agency Act and its implementation provides services nationwide, especially children living in vulnerable situations.

- k) In the area of information sharing and awareness raising on the Convention Guyana has collaborated with IOM to convene a National Consultative meeting on the Global Compact for Migration. Further, at a more decentralized national level and in regional and hinterland areas there have been information sharing sessions with communities at large and with vulnerable groups. In 2015, representatives from the Department of Labour in the Ministry of Social Protection went into several workplaces, known to be hiring migrants, investigated the conditions and made recommendations for improvement in keeping with the expectations of the Convention.

- l) There are a few points, additions to the report that I would like to close my remarks with, these relate to some of the specific questions asked:
On migrant specific laws I would like to add that Guyana has a Status of Aliens Act that addresses property rights of aliens.

On bilateral agreements I would like to draw attention to the existence of the Revised Treaty of Chaguramas (RTOC) that protects the rights of CARICOM nationals resident in territories across the CARICOM community.

On Government supported Human Rights Institutions there is a program underway to establish a Human Rights Commission, similar to the Women and Gender Commission, the Indigenous Commission and the Ethnic People's Commission that already exist.

On rights of migrants in the court system, we would like to point out that there is equal access to the court system for nationals and migrants, further, the legal code and principles requires every magistrate to adjudicate ensuring that the rights to a fair hearing are upheld (that is to say that the principles of natural justice and the right to be heard are upheld), including representation and understanding in one's native language.

On facilitating remittances, it should be underlined that the legislation and the implementation process related to financial transfers is very friendly to migrants needs. Finally, in the Guyana report addressing Part III of the Convention, under paragraph 11, the word "not" should be removed from the sentence referring to whether the Government made efforts to reduce the demand for commercial sex acts.

I thank you for the opportunity to deliver these few remarks and look forward to collaborating fully with this exercise to advance the welfare of migrants in Guyana.