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Trafficking in Persons Report 2016 - Country Narratives - Guinea

GUINEA: Tier 2 Watch List

Guinea is a source, transit, and—to a lesser extent—destination country for men, women, and children subjected to forced labor and sex trafficking. Women and children are the most vulnerable to trafficking. Trafficking is more prevalent among Guinean citizens than foreign migrants and more prevalent among children than adults. Girls are sometimes sent to intermediaries who subject them to domestic servitude and sex trafficking, while boys are forced to beg on the streets, work as street vendors or shoe shiners, or labor in gold and diamond mines. Some men, women, and children are subjected to forced labor in agriculture. Reports indicate children are sent to the coastal region of Boke for forced labor on farms or to Senegal where corrupt marabouts subject students to forced begging in Koranic schools. Children from villages in the Upper Guinea region may be more vulnerable to trafficking due to the region's lack of schools and economic opportunities. Some traffickers take children with parents' consent under false pretenses of providing an education, but instead exploit them in forced begging in Senegalese Koranic schools or forced labor in Senegalese, Malian, and other West African gold mines. Guinea is a transit country for West African children subjected to forced labor in gold mining throughout the region. A small number of girls from neighboring West African countries migrate to Guinea, where they are exploited as domestic servants and possibly in sex trafficking. Guinean women and girls are subjected to domestic servitude and sex trafficking in various West African, European, and Middle Eastern countries, as well as the United States. Guinean boys are exploited in prostitution in the Netherlands. Thai, Chinese, and Vietnamese women are subjected to forced prostitution in Guinea. Due to the lack of research on trafficking in Guinea, the full extent of the problem remains unknown.

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Law enforcement officials identified 48 potential trafficking victims and arrested seven suspected traffickers in one investigation. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Guinea is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Guinea was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. The government did not initiate any prosecutions of and there were no convictions for trafficking offenses, nor did the government provide adequate resources or anti-trafficking training to law enforcement and judiciary officials. The government relied on NGOs to provide victim services and did not take any tangible action to prevent trafficking.

RECOMMENDATIONS FOR GUINEA:

Intensify efforts to investigate, prosecute, and convict suspected traffickers, including allegedly complicit officials, and ensure adequate sentencing; develop systematic procedures for victim identification and subsequent referral to protective services; train police, border officials, labor inspectors, and magistrates on such procedures, as well as case investigation techniques; enact legislation to increase prescribed penalties for forced prostitution and criminalize debt bondage; regularly convene the national anti-trafficking committee (CNLTP) and provide it with sufficient resources, including an operational budget, to effectively fulfill its mandate; enhance collaboration and information-sharing among government agencies involved in combating human trafficking; strengthen partnerships with NGOs and international organizations to improve victim referral procedures, expand victim care, and provide increased financial or in-kind support; implement the national action plan to combat trafficking in persons; establish a shelter specifically for trafficking victims; and increase efforts to raise public awareness about trafficking, including adult trafficking.

PROSECUTION

The government maintained minimal law enforcement efforts. Guinean law does not prohibit all forms of trafficking; for example, debt bondage is not criminalized. Article 330 of the 2012 penal code prohibits forced prostitution and prescribes penalties of two to five years' imprisonment; these penalties are sufficiently stringent but not commensurate with penalties prescribed for other serious crimes, such as rape. Article 337 of the 2012 penal code prohibits individuals from entering into agreements to deprive third parties of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any proceeds from the crime. Articles 385-396 of the 2009 child code prohibit all forms of child trafficking and prescribe penalties of five to 10 years' imprisonment and the confiscation of any proceeds from the crime. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. These penalties are not, however, commonly imposed in practice, because article 49 of the criminal code generally authorizes judges, if they find "mitigating" circumstances, to reduce imprisonment to less than 16 days and a nominal fine, or even simply a maximum fine of two million Guinean francs (\$250). The government, with help from an international organization, drafted a law in 2012 to provide NGOs with the ability to become plaintiffs on behalf of victims and exempt them from the prosecution fees normally charged by the judiciary; the draft law remained pending for the third consecutive year.

Following its interception in January 2016 of a caravan of 48 children allegedly destined for forced begging in Senegalese Koranic schools, the government arrested and initiated a judicial investigation against seven suspected traffickers traveling with the children. The alleged traffickers remained in jail awaiting formal charges at the end of the reporting period. The government did not report any prosecutions or convictions for trafficking offenses in 2015—a decrease from four prosecutions and three convictions achieved the previous reporting period. Officials from the Office for the Protection of Gender, Children, and Morals (OPROGEM), the division of the Guinean police responsible for investigating human trafficking and child labor, investigated a case of local children forced to serve as porters at a bus station but ultimately did not pursue trafficking or any other charges. The government did not provide anti-trafficking training for its law enforcement personnel during the reporting period, nor did it provide in-kind support for such training provided by an NGO. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking; however, general corruption remained an issue among judiciary and law enforcement officials and was believed to be especially prominent among labor inspectors, customs directors, and heads of police stations.

PROTECTION

The government demonstrated minimal efforts to protect trafficking victims. The government identified 48 potential trafficking victims but did not provide any victim services during the reporting period; furthermore, it did not provide funding or in-kind support to NGOs that assisted victims. In one instance, local authorities asked an NGO for reimbursement for food the authorities had provided to the suspected trafficking victims before the NGO began to provide victim care. Due to a lack of resources and miscommunication between government agencies, the 48 suspected child trafficking victims were housed at a local prison for two days—where they may have been in close contact with their accused traffickers—before they were transferred to a youth hall. The government referred child victims on an ad hoc basis to NGOs, where most victims were placed; however, due to the Ebola outbreak and the economic crisis, many NGO safe houses were in the process of closing. Some OPROGEM officials brought child victims to their private homes until space became available in NGO shelters. OPROGEM received irregular funding, did not have an operational budget, and often relied on donations or support from international organizations; limited resources and the lack of trained personnel severely reduced its efficacy and operational capacity. Articles 392-396 of the child protection code mandate child victims, including trafficking victims, have the right to legal representation and a ministry-appointed guardian but, due to the lack of financial and human resources, these services were not implemented during the reporting period.

Although legally available, the government did not provide temporary or permanent residency to any victims from countries where they would face hardship or retribution, as the government did not identify any such victims during the reporting period. There was no evidence the government encouraged trafficking victims to participate in the investigations or prosecutions of their traffickers; reports indicated victims—or victims' parents in cases involving children—were reluctant to file claims against trafficking offenders due to limited access to

justice, a lack of confidence in the justice system, corruption, and potential threats of reprisal. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being subjected to trafficking; however, due to a lack of formal victim identification procedures, some unidentified victims may have been penalized for such crimes.

PREVENTION

The government demonstrated minimal efforts to prevent trafficking. The CNLTP, with financial assistance from the office of the president, drafted and finalized an anti-trafficking national action plan that focuses on victim assistance and prevention efforts. The CNLTP continued to lack an operational budget, which severely hindered its effectiveness in overseeing national anti-trafficking efforts, but it did meet several times throughout the reporting period. The government did not conduct any trafficking awareness campaigns. The government has policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, yet OPROGEM lacked the resources and trained personnel necessary to oversee the policies' successful implementation. The government did not take any tangible steps to reduce the demand for forced labor or commercial sex acts. It did not provide anti-trafficking training for its diplomatic personnel or peacekeeping troops prior to their deployment abroad.

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