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GUINEA: TIER 3

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts compared to the previous reporting period. Although Guinea meets the criteria for Tier 2 Watch List, because it has been on Tier 2 Watch List for four years, it is no longer eligible for that ranking and is therefore ranked Tier 3. The government took some steps to address trafficking, including prosecuting and convicting the first trafficking-related case since 2014, although none of the perpetrators served prison time; repatriating two groups of Liberian trafficking victims identified in the country; providing funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations; and implementing some objectives of its 2016 anti-trafficking national action plan. The government passed a new penal code in 2016 that explicitly criminalizes debt bondage; however, it includes provisions allowing judges to prescribe fines in lieu of prison time in trafficking sentences. The government continued to rely on underfunded NGOs to provide all victim assistance, and although authorities intercepted 74 potential trafficking victims allegedly en route to exploitation in Quranic schools, it did not investigate any traffickers in connection with these cases. Despite the prevalence of forced begging in Quranic schools, Guinean authorities have never prosecuted a *marabout* a Quranic school teacher for forced begging. Although there were ongoing reports of official corruption and alleged complicity in trafficking cases, the government did not investigate any officials for alleged participation in or facilitation of trafficking crimes.

RECOMMENDATIONS FOR GUINEA

Vigorously investigate, prosecute, and convict suspected traffickers, including complicit officials and *marabouts*, and prescribe sufficiently stringent sentences; expand victim care by increasing financial or in-kind support to NGOs that provide victim services; train magistrates and prosecutors in the lower courts on the trafficking articles in the 2016 penal code; develop systematic procedures for victim identification and referral to services; train police, border officials, labor inspectors, and magistrates on such procedures, as well as case investigation techniques; enact legislation limiting the ability to prescribe fines in lieu of prison sentences and to increase prescribed penalties for forced prostitution; regularly convene the national anti-trafficking committee (CNLTP) and provide it with sufficient resources, including an operational budget, to fulfill its mandate effectively; increase efforts to raise public awareness of trafficking,

including internal child forced labor, forced begging in Quranic schools, and adult trafficking; provide OPROGEM the resources and training necessary to regulate recruitment agencies and investigate cases of fraudulent recruitment; harmonize provisions and penalties both within the penal code and with the children's code; amend the definition of trafficking in article 323 of the penal code to conform with the 2000 UN TIP Protocol; update the 2016 national action plan and allocate resources for its implementation; and enhance collaboration and information-sharing among government agencies involved in combating human trafficking.

PROSECUTION

The government maintained minimal law enforcement efforts. In October 2016, the government revised its penal code to criminalize trafficking in persons. It also moved the jurisdiction for human trafficking cases from the high court to the country's lower courts, which may expedite the prosecution process. The 2016 penal code newly criminalized debt bondage but decreased the minimum terms of imprisonment for trafficking crimes and included provisions allowing for fines in lieu of imprisonment. The 2012 penal code prescribed a minimum of five years imprisonment for trafficking crimes, whereas the 2016 penal code allows for fines alone as the minimum sentence. Article 323 of the 2016 penal code criminalizes the recruitment, transportation, harboring, or receipt of a person by means of violence, threats of violence, or other forms of coercion for the purposes of exploitation. "Exploitation" is defined as in order to commit pimping, sexual aggression, or sexual assault; holding a person in slavery; forced labor; forced begging; organ removal; and forced criminality. With minors, defined in other legislation as younger than age 18, means of violence or coercion are not needed to prove trafficking. Trafficking of adults is penalized by three to seven years imprisonment and/or a fine of 500,000 to 10 million Guinean francs (\$54-\$1,084) and child trafficking (article 324) by five to 10 years imprisonment and/or a fine, which is sufficiently stringent but, with regard to sex trafficking, not commensurate with penalties prescribed for other serious crimes, such as rape. Additional articles in the penal code separately criminalize forced begging, debt bondage, and forced prostitution but provide differing, insufficiently stringent penalties. Article 117 of the criminal procedural code authorizes judges to suspend prison sentences if they find "mitigating" circumstances. Penalties that allow for a fine in lieu of imprisonment are not adequate to deter the crime. The trafficking provisions in the penal code also cover some crimes that are not considered trafficking in the 2000 UN TIP Protocol. The government began but did not finish harmonizing the 2010 child protection code with the 2016 penal code, so magistrates could also prescribe insufficiently stringent penalties for child trafficking offenses using provisions in the 2010 code. Article 386 of the 2010 code prohibits child trafficking and prescribes sufficiently stringent penalties of three to 10 years imprisonment, but articles 388, 389, and 402 provide reduced sentences with some penalties consisting of fines only for facilitators of trafficking, parents or guardians complicit in trafficking, and forced begging, all of which are inconsistent with the 2016 penal code.

The government initiated five potential trafficking investigations, prosecuted four alleged traffickers, and convicted three under the 2010 child protection code, compared with one investigation and no prosecutions or convictions the previous reporting period. Border police arrested four individuals in Boke for facilitating the transportation of children to a Quranic school in Senegal, where they allegedly would have faced forced begging. The judge reclassified the case from child trafficking to transporting a minor across the border without authorization and convicted three individuals the driver and two of the children's parents. These were the government's first convictions for trafficking-related offenses since 2014. The judge sentenced the parents and the driver to six months imprisonment and a fine but suspended the prison sentences, which negated the deterrent effect of these law enforcement measures. The Guinean embassy in Cairo identified several Guinean women exploited in domestic servitude in Egypt. CNLTP arrested one of the alleged recruiters in Conakry but he was later released; it is unclear if the case was dismissed or if he was released on bail pending a trial. One court reported initiating two

trafficking investigations one of which could have been the previous case but did not provide details. Authorities intercepted four suspected traffickers and four potential victims en route to Kuwait, where the girls allegedly would have been exploited in sex trafficking; the investigation was ongoing at the end of the reporting period. The government also continued one investigation from the previous reporting period involving 14 alleged traffickers, including three *marabouts*. Law enforcement intercepted four additional groups of more than 74 potential victims reportedly destined for forced begging or forced labor in Quranic schools and removed the children but did not initiate any investigations into the drivers or suspected traffickers. Furthermore, while it directed its attention towards intercepting potential child trafficking victims, the government did not make efforts to address internal child forced labor in mining, domestic servitude, or sex trafficking. The government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking; however, corruption among law enforcement and the judiciary suspected to be especially prominent among labor inspectors, customs directors, and heads of police stations allegedly impeded anti-trafficking efforts.

The government allocated 256 million Guinean francs (\$27,751) to OPROGEM during the reporting period to facilitate trafficking case investigation and victim transportation to NGOs for care. This was the first time the government disbursed funds to OPROGEM specifically to assist with trafficking cases, although the amount was insufficient to cover even the unit's basic operating costs. CNLTP funded training for Guinean and Sierra Leonean border officials on identifying trafficking victims and joint transnational trafficking investigations. Lack of general knowledge of trafficking and the trafficking provisions of the 2016 penal code persisted among government officials, especially judges and prosecutors in lower courts, because the government did not provide training or plan how to effectively shift authority for trafficking crimes to the lower courts.

PROTECTION

The government maintained minimal efforts to protect trafficking victims. The government identified 107 potential trafficking victims, an increase from 48 potential victims the previous reporting period. Border police intercepted six children allegedly en route to forced begging in Quranic schools and returned the children to their parents; the judiciary later convicted the same parents of facilitating their children's transportation to alleged exploitation but suspended the terms of imprisonment. In August 2016, authorities intercepted a caravan of 11 children in Koundara the same town where 48 potential trafficking victims were intercepted the previous reporting period allegedly en route to exploitation in Quranic schools, but it was unclear if officials conducted any investigations or referred the children to services. Officials also intercepted three caravans of Liberian and Sierra Leonean children also allegedly destined for exploitation in Quranic schools, and the Ministry of Security coordinated and financed the repatriation of the Liberian victims. The government continued to rely on NGOs and foreign donors to finance and provide all shelter and victim services, and it did not provide funding or in-kind support to these NGOs. Due to a lack of funding, two of three NGO shelters closed during the reporting period. The government referred child trafficking victims to NGOs on an ad hoc basis, and some OPROGEM officials brought victims to their private homes until space became available in NGO shelters.

The government did not encourage trafficking victims to participate in the investigations or prosecutions of their traffickers; reports indicated victims and their parents were reluctant to file claims against traffickers due to a lack of confidence in the justice system. The 2016 penal code allows NGOs to become plaintiffs on behalf of victims. Articles 392-396 of the child protection code provide that 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 available. While it is possible for victims to obtain restitution from the

government and file civil suits against their traffickers, victims lack the funding for and knowledge of the process, so none received restitution during the reporting period. The government did not have policies to provide temporary or permanent residency to victims from countries where, if repatriated, they would face hardship or retribution. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being subjected to trafficking; due to a lack of formal victim identification procedures, however, some unidentified victims may have been penalized for such crimes.

PREVENTION

The government demonstrated a modest increase in efforts to prevent trafficking. CNLTP continued to meet sporadically, but not all members consistently attended meetings and the committee lacked coordination and communication. CNLTP did not have an operational budget, but the president enacted a decree in February 2017 making it eligible to receive a budget; it is unclear when CNLTP will receive any funding. Although the absence of a budget hindered CNLTP's efficacy in overseeing national anti-trafficking efforts, it still implemented some activities outlined in its 2016 action plan. As one of the plan's objectives, CNLTP and the Ministry of Social Action in partnership with youth organizations and NGOs funded and led two anti-trafficking awareness campaigns. The first, a media campaign, sensitized communities to trafficking in persons; the second campaign sensitized local communities between Conakry and the Senegalese border on the dangers of migration and how to identify vulnerable children and migrants, including trafficking victims. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, but OPROGEM had neither the resources nor the trained personnel to implement such policies. The government did not take any tangible steps to reduce the demand for forced labor or commercial sex acts. The government, in partnership with foreign donors, provided Guinean troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions. It did not provide training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, 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. In Guinea, trafficking victims are more often Guinean citizens than foreign migrants, and children more so than adults. Parents send girls to intermediaries who subject them to domestic servitude and sex trafficking, sometimes in motels and restaurants in Conakry; boys are forced to beg, work as street vendors and shoe shiners, labor in gold and diamond mines, and work in herding, fishing, and farming. Some government entities and NGOs allege that within Guinea, forced labor is most prevalent in the mining sector. 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. Children from villages in Middle and Upper Guinea 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 the false pretenses of providing an education and exploit them in forced begging in Senegalese and Bissau-Guinean Quranic schools or forced labor in West African gold mines. Bissau-Guinean boys are forced to beg in corrupt Guinean Quranic schools. Guinean children are exploited in forced labor in Cote d'Ivoire. 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 in domestic service, street vending, and to a lesser extent sex trafficking. Thai and Chinese women have been subjected to forced prostitution in Guinea. Guinean women and girls are subjected to domestic servitude and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean women are fraudulently recruited for domestic work in Egypt by Guinean-Egyptian trafficking networks and

exploited in prostitution. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels while they work in diamond mines. Authorities identified Guinean forced labor victims in Finland during the reporting period. Guinean boys are exploited in commercial sex in the Netherlands. In 2016, an international organization reported a sharp increase in Guineans including unaccompanied minors migrating to North Africa and Europe, many of whom use smugglers and are vulnerable to trafficking. More than 13,000 Guineans arrived in Italy alone in 2016, compared with 1,195 registered arrivals of Guineans in all of Europe in 2015.

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