

2019 Trafficking in Persons Report: Guinea

JUNE 20, 2019

GUINEA: Tier 2

The Government of Guinea does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Guinea was upgraded to Tier 2. The government demonstrated overall increasing efforts by investigating, prosecuting, and convicting more traffickers than in the previous reporting period; providing more anti-trafficking training to government officials and NGOs; and conducting additional public awareness campaigns. However, the government did not meet the minimum standards in several key areas. The government did not have adequate victim identification or referral mechanisms, and services were not available to most victims. It did not allocate sufficient resources to the anti-trafficking committee (CNLTPPA) for the third consecutive year, did not provide sufficient funding to the Office for the Protection of Gender, Children, and Morals (OPROGEM), the police unit responsible for trafficking investigations, nor to victim services. Despite the prevalence of child forced begging in Quranic schools, Guinean authorities have never prosecuted a corrupt Quranic teacher for forced begging.

PRIORITIZED RECOMMENDATIONS

Continue to increase efforts to investigate, prosecute, and convict suspected traffickers, including complicit officials and corrupt Quranic teachers, and sentence convicted traffickers to prison terms in line with the law.

- Create and implement a national action plan for beyond 2019.
- Increase funding for OPROGEM and the CNLTPPA to allow them to fulfill their mandates.
- Expand victim care by increasing financial or in-kind support to NGOs that provide victim services.

- Complete and implement standard operating procedures on victim assistance.
- Develop and train officials on systematic procedures to identify trafficking victims and refer them to services.
 - Provide OPROGEM and labor inspectors the resources and training necessary to monitor and regulate recruitment agencies, and investigate cases of forced labor.
 - Amend the penal code to remove sentencing provisions that allow fines in lieu of imprisonment and increase penalties prescribed for forced begging.
 - Increase efforts to raise public awareness of trafficking, including of internal child forced labor, forced begging in Quranic schools, and adult trafficking.
 - Enhance collaboration and information sharing among all government agencies involved in combating trafficking.
 - Develop and implement extradition agreements for traffickers with countries in Africa and the Middle East.
 - Increase efforts to provide restitution and compensation to trafficking victims.
 - Provide information to trafficking victims regarding procedures for seeking restitution and compensation against their traffickers.
 - Improve data collection and analysis on human trafficking in Guinea.

PROSECUTION

The government increased its law enforcement efforts. Article 323 of the penal code criminalized sex trafficking and labor trafficking. Article 324 prescribed penalties of three to seven years' imprisonment, a fine, or both for adult trafficking, and five to 10 years' imprisonment, a fine, or both for child trafficking. These penalties were sufficiently stringent. By allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes, such as rape. Article 343 of the penal code separately criminalized forced begging and prescribed penalties of one to three years' imprisonment and a fine; these penalties were not sufficiently stringent. The government drafted a revision to the 2010 Child Protection Code, which was under review before enactment; the revised code reportedly attempts to define trafficking and establishes sentencing guidelines to match the criminal code. Two international organizations provided technical assistance for the drafting of the revised code.

OPROGEM was the lead government entity responsible for investigating trafficking cases, and the General Secretary for Special Services, Counter-Narcotics, and Combating Organized Crime could investigate transnational trafficking cases. In 2018, the government investigated 62 individuals, prosecuted 54 suspects, and convicted 55 traffickers; this was a significant increase from 44 investigations, 18 prosecutions, and 18 convictions in 2017, and five investigations, four prosecutions, and three convictions in 2016. Of the 55 convicted traffickers, 17 were convicted for fraudulent recruitment and 38 were convicted for sex trafficking. In 2018, the sentences ranged from two to four years in prison to confiscation of property. In addition, the government sentenced a recruiter—found guilty in the previous reporting period—who sent women to Egypt for domestic servitude to two years in prison, with a suspended sentence. The sentence was for trafficking.

In September 2018, local and administrative authorities of Koundara identified two convoys totaling 400 children being trafficked to Senegal, The Gambia, and Guinea Bissau allegedly for forced begging. Nonetheless, officials did not report investigating this case and authorities have never prosecuted a corrupt Quranic teacher for child forced begging. The children were accommodated in transit at a youth center where they received psychological and nutrition assistance from social workers. Local and national authorities report the children have been returned to their communities. The government did not report any investigations, prosecutions, or convictions of complicit officials; however, corruption among law enforcement and the judiciary—suspected to be especially prominent among labor inspectors, customs directors, and heads of police stations—remained a concern and impeded overall anti-trafficking efforts. The investigation of three airport officials who were reportedly complicit in the sex trafficking of Guinean women in transit to Kuwait, initiated in the previous reporting period, was still under investigation; however, the government fired the officials from their positions.

The government did not sufficiently resource OPROGEM, which continued to inhibit its ability to consistently investigate potential trafficking crimes. In 2016, the government dedicated a 256 million Guinean francs (\$28,210) budget to OPROGEM, the last time it did so. The government reported a lack of general knowledge about trafficking, and the trafficking provisions of the 2016 penal

code, persisted among government officials, especially judges and prosecutors in lower courts. The government provided in-kind resources for limited law enforcement and judiciary training during the reporting period; one OPROGEM investigator participated in an internationally-funded training course on child exploitation in Gaborone; two other OPROGEM investigators participated in a workshop on child exploitation and child forced labor organized by an international organization. In addition, the CNLTPPA, in collaboration with an international organization, organized a training course on forced labor in which 30 participants from the police and gendarmerie participated. The CNLTPPA, in collaboration with an international organization and a foreign donor, organized a training workshop in Conakry for 30 judges and prosecutors. These training efforts were an improvement from 2017 when no training was provided. The lack of extradition agreements with countries in Africa and the Middle East impeded prosecutions of traffickers from those countries. In a high profile legal case, the government provided financial assistance for the defense of a well-known and politically connected Guinean couple against charges of human trafficking in the United States. In January 2019, U.S. courts convicted the couple; they awaited sentencing at the end of the reporting period.

PROTECTION

The government maintained its efforts to identify and protect trafficking victims, but a lack of resources and weak identification procedures impeded efforts. The government did not have standard operating procedures to identify trafficking victims or refer them to care, and a lack of training for and coordination between ministries' government officials inhibited victim identification and assistance efforts. OPROGEM remained the lead government ministry responsible for victim protection efforts. The government did not report comprehensive victim identification data, but reported identifying five potential child trafficking victims en route to exploitation; this compared with 10 trafficking victims and 16 children intercepted en route to exploitation in 2017 and 107 children identified en route to exploitation in 2016. An NGO reported that the CNLTPPA identified 998 foreign minors at border control areas that were involved in trafficking or smuggling schemes; a lack of trained personnel, operational capacity, and resources hindered the CNLTPPA from effectively identifying and adequately assisting

potential trafficking victims among this population. Another NGO reported identifying 115 foreign and 380 domestic trafficking victims. The government did not provide data on child sex trafficking.

The government continued to rely on NGOs and foreign donors to provide and finance the majority of victim care. NGOs, however, did not have adequate resources for victim services; observers reported there was a lack of shelters overall. Government health facilities and social workers could at times provide medical and psycho-social services. Compared to 2017 when the government disbursed 50 million Guinean francs (\$5,510) to an NGO for victim assistance, no such funding was provided in 2018. Law enforcement referred child trafficking victims to NGOs on an ad hoc basis. The Ministry of Justice began revising a draft decree including standard operating procedures on victim assistance. In August 2018, the Ministry of Justice appointed a director and deputy director to the National Directorate of Supervised Education and Youth Protection that it established in 2017, to improve the monitoring of children referred to social services. The CNLTPPA provided psychological assistance and travel documents to 17 girls, who were victims of trafficking in Libya and Algeria, and returned them to their communities; financial support for these services was provided by an international organization. An international organization in Guinea reported that it assisted in the voluntary repatriation of approximately 1,040 trafficking victims it identified from Libya, Niger, Algeria, Mali, and Morocco.

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 judicial system. The 2016 penal code allowed NGOs to become plaintiffs on behalf of victims, but this has not yet been utilized. Articles 392-396 of the child protection code provided child trafficking victims the right to legal representation and a ministry-appointed guardian, but due to the lack of financial and human resources, the government did not provide these services during the reporting period. The government collaborated with a law firm to provide legal assistance to women and child trafficking victims; NGOs operated general legal clinics to advise victims of crime, including trafficking. While victims could legally obtain restitution from the government and file civil suits against their traffickers, none received or pursued these. The government did not have formal policies to

provide temporary or permanent residency to victims from countries where, if repatriated, they would face hardship or retribution, but it could provide work and residence permits to such victims on an ad hoc basis; the government did not report any victims requested these services during the reporting period. There were no reports the government penalized victims for unlawful acts committed as a result of being subjected to trafficking; due to a lack of formal victim identification procedures, however, authorities may have detained, prosecuted, or deported some trafficking victims during the year.

PREVENTION

The government maintained modest efforts to prevent trafficking, but did not provide adequate and sustained resources to support anti-trafficking efforts. The CNLTPPA continued to coordinate the government's anti-trafficking efforts through their national action plan, 2018-2019. The CNLTPPA organized meetings and trainings and began work on a new framework for its anti-trafficking efforts. For the third year, the government did not provide resources for anti-trafficking activities for the CNLTPPA or its associated ministries in fiscal year 2019. The lack of funding, personnel, coordination, and training hindered the government's national-level efforts to combat trafficking. Despite these shortcomings, the government held a workshop involving 48 government and NGO participants focused on the management of trafficking victims and trained participants on the national action plan. The CNLTPPA organized an awareness campaign and training session for local officials in Koundara, a city that the government has recognized as a major transit point for trafficking victims. The government had a toll-free hotline to report violence against women and children, which could include trafficking cases; but it did not report if it received any trafficking-related calls. The government had policies to regulate foreign labor recruiters and hold them civilly and criminally liable for fraudulent recruitment, and the ministry of labor held workshops to sensitize recruitment agencies to human trafficking; however, neither OPROGEM nor the Ministry of Labor had the resources or the trained personnel to monitor and enforce these policies consistently and did not report referring any potential cases for law enforcement investigations. The government lacked the capacity to investigate potential forced child labor cases. The government created a national registry office to centralize and regulate the

provision of identity and citizenship documents. The government did not make efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Guinea, and traffickers exploit victims from Guinea abroad. Women and children are the most vulnerable to trafficking. Parents send girls to intermediaries who subject them to domestic servitude and sex trafficking. Traffickers exploit boys in begging, street vending and shoe shining, forced labor in gold and diamond mines, and in herding, fishing, and agriculture, including farming and on coffee, cashew, and cocoa plantations. Some government entities and NGOs allege that within Guinea, forced labor is most prevalent in the mining sector. Traffickers exploit men, women, and children in 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. Government officials recognize the town of Koundara in northwestern Guinea as a transit point for traffickers. Some traffickers take children with parents' consent or under the false pretenses of providing an education and exploit them in forced begging in Quranic schools in Senegal—via Koundara—Mauritania, and Guinea-Bissau, or forced labor in West African gold mines. Some corrupt Quranic teachers force boys to beg in Guinean Quranic schools. Traffickers submit Guinean children to 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 West African countries migrate to Guinea, where traffickers exploit them in domestic service, street vending, and—to a lesser extent—sex trafficking. Child sex trafficking is visible in Conakry and in mining cities such as Kamsar, Lero, and Siguiri. Guinean women and girls are victims of domestic servitude and sex trafficking in West Africa, Europe, and the Middle East, as well as the United States. Guinean-Egyptian trafficking networks fraudulently recruit women for domestic work in Egypt and exploit them in prostitution. Illegal migration towards Europe leads to the development of trafficking networks facilitating the travel and financing of trafficking by land from Guinea to North Africa. During the reporting period, an

international organization estimated approximately 1,040 Guineas were victims of trafficking in North Africa. Reports indicate that trafficking networks fraudulently recruit Guinean, Liberian, and Sierra Leonean women for work abroad, using the Conakry airport to transport victims to exploitative situations in Kuwait and Qatar. There have been reports some Guinean men marry Guinean girls, take them to Angola, and sell the girls to local brothels while the men work in diamond mines. In previous years, authorities have identified Guinean forced labor victims in Finland, Thai, and Chinese women exploited in sex trafficking in Guinea.