

Trafficking in Persons Report 2011

GUINEA-BISSAU (Tier 3)

Guinea-Bissau is a country of origin for children subjected to forced labor and sex trafficking. The focus of research on and remedies to human trafficking in the country has been confined largely to child trafficking; therefore, the scope of the problem of trafficking women or men for forced labor or forced prostitution is unknown. Unscrupulous marabouts (religious teachers), or their intermediaries, recruit boys under the pretense of offering them a Koranic education, but subsequently transport them to Senegal or, to a lesser extent, Mali or Guinea, where they are forced to beg for money. Young boys are increasingly sent to cities within Guinea-Bissau for the same purpose. The most recent estimates available suggest that 200 children are taken as talibes (students attending Koranic schools) from Guinea-Bissau and forced into begging each month, and that nearly one-third of the 8,000 talibes begging on the streets of Dakar are from Guinea-Bissau. Men, often former talibes from the regions of Bafata and Gabu, and generally well-known within the communities in which they operate, are the principal trafficking offenders. NGOs observed an increase in overall trafficking during the past year, as well as incidences of previously unobserved types of trafficking. Boys reportedly were transported to southern Senegal for forced manual and agricultural labor, girls were forced into domestic service in Bissau, the capital, and both boys and girls were forced to work as street vendors in Bissau-Guinean and Senegalese cities. Girls may be subjected to forced domestic service and child prostitution in Senegal, including for exploitation by international sex tourists, or lured to The Gambia and Lebanon with promises of employment and subsequently placed in the sex trade.

The Government of Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking, and has been placed on Tier 2 Watch List for the last four consecutive years. Therefore, pursuant to Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, Guinea-Bissau is deemed not to be making significant efforts to comply with the minimum standards and is placed on Tier 3. The government acknowledged that human trafficking is a problem in the country and took steps to enact legislation outlawing all forms of trafficking. It lacked a properly functioning judicial system and did not pursue criminal action against trafficking offenders during the year. Anti-trafficking awareness efforts apply the misleading phrase “children in movement” in place of “trafficking”, in an attempt to avoid backlash from religious communities. Police claimed to monitor the activities of known trafficking perpetrators, but failed to initiate law enforcement actions against them.

Recommendations for Guinea-Bissau: Enact legislation prohibiting all forms of trafficking in persons; focusing first on Pirada and Sao Domingos, transit towns on the border with Senegal, train law enforcement officials and magistrates to use existing legislation to investigate and prosecute trafficking offenses; ensure that efforts to hold parents criminally liable for sending their children away with

abusive marabouts are accompanied by efforts to prosecute and convict the marabouts who use talibes for forced begging; ensure that budget allocations are designated to make two prisons fully operational with furnishings and security staff to ensure that traffickers serve prison sentences; implement the draft anti-trafficking national action plan; undertake increased efforts to coordinate with NGOs to provide services to trafficking victims; and, in partnership with NGOs, implement a public awareness campaign warning families of prospective talibes about the dangers of trafficking.

Prosecution

The Government of Guinea-Bissau did not increase efforts to prosecute and punish trafficking offenders during the reporting period. Bissau-Guinean law does not prohibit all forms of human trafficking, and existing laws were not used to prosecute trafficking cases. Forced labor is prohibited under Article 37 of the country's penal code, which prescribes a sufficiently stringent penalty of life imprisonment. Pimping is outlawed, but no law specifically prohibits forced prostitution. In January 2011, the National Inter-ministerial Steering Committee on Trafficking promulgated a draft National Law and Implementation Plan to prohibit all forms of trafficking in persons; the bill and action plan were submitted to the Council of Ministers in February 2011, but were not introduced to the parliament during the reporting period. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly; during the year, there were no operational prisons and authorities relied on the use of ad hoc detention facilities for holding convicted criminals. The government, with the support of international partners, took steps to improve this situation by constructing two prisons during the year. The government did not provide any specialized training to law enforcement officials on investigating or prosecuting trafficking crimes, and it did not pursue legal action against unscrupulous religious teachers, who are often regarded highly in their communities. An unknown number of suspected traffickers were arrested and possibly detained, but no investigations or prosecutions of trafficking offenses occurred. There were no investigations into official government complicity, but observers believe police and border guards accepted bribes to release traffickers from detention centers, and politicians intervened to facilitate the release of influential religious leaders accused of trafficking to garner political support.

Protection

The Government of Guinea-Bissau demonstrated inadequate efforts to identify and protect victims, and NGOs report that government efforts to coordinate services with NGOs and international organizations were weak. The government did not take steps to proactively identify victims; although the National Institute for Women and Children routinely called NGOs to alert them to the arrival of a repatriated victim, the government took no additional steps to coordinate care for victims returned to Guinea-

Bissau. The government lacked resources to provide victim services directly, but provided some resources to NGOs that care for victims. The central government contributed approximately \$12,000 to an NGO that runs two shelters for victims, and two governors of regions with a high prevalence of trafficking paid the salaries of security guards for two care facilities for talibes in their jurisdictions. The Bissau-Guinean Embassy in Dakar assisted in the repatriation of 20 victims identified in Senegal, but this represents only a small portion of the total victims identified; UNICEF reports 140 talibes were identified and repatriated from Dakar alone, and NGOs estimate that 320 total victims were repatriated to Guinea-Bissau during the year. There are reports that some children who were able to escape their traffickers, as many as 30 to 40 each month, walked back to Guinea-Bissau from Senegal on their own; the government did not provide these children with services upon their return, and there were reports that many of them ended up living on the streets. The government did not provide legal alternatives to the removal of foreign victims to countries where they face hardship or retribution. Child victims were not encouraged to assist in the investigation and prosecution of trafficking offenses; the government reports encouraging family members and neighbors to participate in legal proceedings against traffickers, although none occurred. There is no evidence that the government detained, fined, or jailed trafficking victims for unlawful acts committed as a result of being trafficked.

Prevention

The government undertook few anti-trafficking prevention efforts during the reporting period. An Inter-Ministerial Steering Committee, chaired by National Institute for Women and Children, which met twice during the reporting period, drafted new anti-trafficking legislation and an accompanying action plan, and submitted them to the Council of Ministers for review. The government reports the existence of an informal process requiring the parents of returned talibes to sign a court contract holding them criminally liable if they send their children away again for this purpose, though this practice was not codified into law; this policy should not be viewed as a substitute for prosecuting and convicting those who use talibes for forced begging. In August and September 2010, the government held two training sessions — one for 35 judicial officials and one for 35 community members — on trafficking prevention and victim protection for talibes. It reported conducting anti-trafficking awareness campaigns on national radio and television with assistance from international donors but did not play a financial role in this effort. The government took no discernible measures to reduce the demand for commercial sex acts or forced labor during the year.