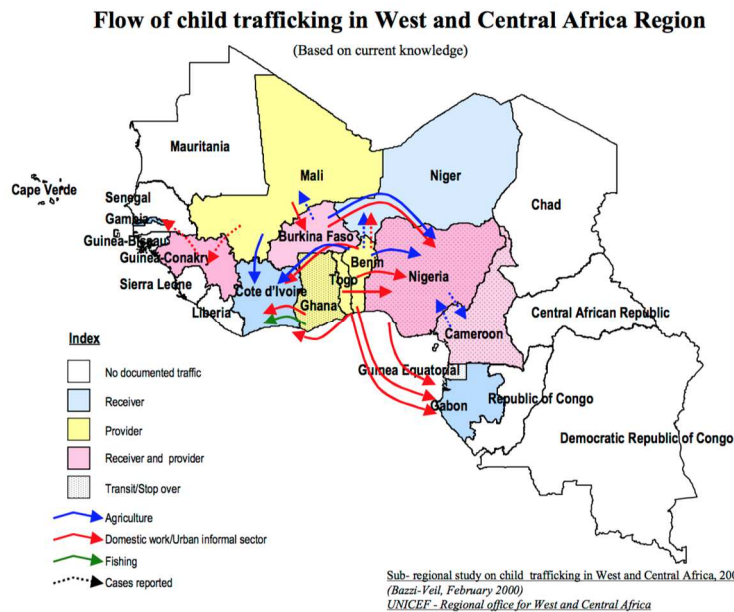




An overview of human trafficking, especially child trafficking, in Sierra Leone, Liberia, and Guinea.



Defence for Children International Sierra Leone

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BACKGROUND

“Trafficking in persons,” “human trafficking,” and “modern slavery” have been used as terms for the act of recruiting, harboring, transporting, providing, or obtaining a person for compelled labor or commercial sex acts through the use of force, fraud, or coercion. Human trafficking can include, but does not require, movement.¹ People may be considered trafficking victims regardless of whether they were born into a state of servitude, were exploited in their hometown, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to trafficking. Within West Africa, there is both internal trafficking, from domestic to urban areas within country borders, and external trafficking to other African countries, the Middle East and Europe, predominantly for domestic labor but also for prostitution. The routes used for trafficking often depend on the availability of transportation, monitoring, and border control.²

People in Western Africa have traditionally migrated for economic reasons, either from one country to another, or within their home countries, to work or to search for some form of livelihood. The lack of alternative ways of earning a living, and the absence of economic stability in many African countries, drives people to migrate and look for other opportunities. A high numbers of adolescents and children migrate within West Africa looking for a better life. Most of them appear to leave home voluntarily to seek work on a seasonal basis, while some leave either for a long-term stay or aim to migrate permanently. It is often claimed that these children are in a vulnerable position and risk becoming victims of abuse or exploitation, or forced to work in a dangerous and unhealthy environment. In countries like Liberia, Sierra Leone, and Guinea, many children have no official recognition of their name and nationality, and the lack of official birth registration makes them more vulnerable to trafficking, and less able to return to the country of their origin because of the lack of documents. In addition, undocumented fosterage practices, forced religious learning, and early marriage customs often lead to situations defined as child trafficking.

¹ “Trafficking In Persons Report” United States of America Department of State, July 2015, www.state.gov/j/tip.

² Fong, Janice, “Literature review on Trafficking in West and East Africa,” http://www.childtrafficking.com/Docs/gaatw_04_final_0708.pdf.

Trafficking of children for economic purposes is closely linked to some of the worst forms of child labor. In the underworld of human trade, children are exchanged for prostitution, for begging and soliciting, and for work on construction sites, in small shops, in factories and in domestic service. Hidden from sight and beyond the reach of the law, these children are abused, exposed to hazardous working conditions, confined in the workplace, denied education, denied basic healthcare, denied adequate nutrition, leisure time and the safety and security of their families.³ Added to this complexity is the fact that in some regions, like ECOWAS, where open borders promote free trade, even when cross-border movement of children is obvious, it is sometimes very difficult to distinguish between illegal criminal activities and legitimate family cross-border migration.

There are international legal frameworks and conventions to protect children from the worst forms of labor and trafficking, as well as to enhance their rights. The Convention on the Rights of the Child (CRC), the UN Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons (also referred to as the Palermo Protocol), the Convention on the Worst Forms of Child Labour (and recommendation 190), the Optional Protocol to the CRC (on the involvement of children in armed conflict (CRCOPAC) and on the sale of children, child prostitution and child pornography (CRCOPSC)), the Abolition of Forced Labour Convention (ILO Convention 105) and the Forced Labour Convention (ILO Convention 29) all aim to protect children from all kinds of abuse and exploitation.⁴ These legal frameworks have placed the responsibility on national governments to make serious and sustained efforts to eliminate severe forms of trafficking in persons. This is to be achieved by ratifying laws or taking any legal action or policy measures in the country to prohibit severe forms of trafficking in persons and to punish such acts. Consequently, many governments have put in place new legislation to prosecute traffickers; and various categories of NGOs have organized and coordinated action plans, and rescued trafficked children with the establishment of open shelters and centers for victims.

At the sub-regional level, A Declaration and a Plan of Action against Trafficking in Persons (2002-2003) was adopted during the annual Economic Community of West African States (ECOWAS) Summit held in Dakar in December 2001. The Plan of Action calls for speedy

³ Salah, Rima "Child Trafficking In West And Central Africa: An Overview," UNICEF (2001), <http://www.unicef.org/media/newsnotes/africchildtraffick.pdf>.

⁴ Einarsdóttir, Jónína, Hamadou Boiro, Gunnlaugur Geirsson, and Geir Gunnlaugsson "Child trafficking in Guinea-Bissau: An explorative study," UNICEF Iceland, 2010.

signature and ratification of both the Trafficking Protocol and the Protocol to the CRC. The African Charter on the Rights and Welfare of the Child, adopted in 1990, deals with child trafficking for both exploitation and adoption. Article 24, dealing with adoption, requires governments to 'take all appropriate measures to ensure that in inter-country adoption, the placement does not result in trafficking or improper financial gain for those who try to adopt a child'. Article 29 requires governments to prevent children from being victims of 'sales, trafficking and abduction' and also to prevent 'the use of children in all form of begging'.

Despite these efforts, corruption within law enforcement or judicial systems has hindered law enforcement on trafficking. Local officials may be corrupt or linked to the trafficking network. People are in general either mistrustful or unaware of the judicial system. Victims of trafficking often hesitate to come forward to give evidence against the traffickers. Those who have escaped are also reluctant to return home due to difficulties in repatriation. They fear being rejected by the family and being stigmatized in the community or villages. This leaves them in a vulnerable situation and subject to being re-trafficked. Moreover, in many countries there is a lack of understanding regarding the huge threat of trafficking that people face internally and across borders.

Since 2000, the United States Department of State has produced a 'Trafficking in Persons Report' rating different countries in their effort to combat trafficking in persons. Foreign governments are required to provide the United States Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to be considered in full compliance with the TVPA's minimum standards for the elimination of trafficking. The report ranks each country in tiers by their compliance with the TVPA standard. Countries ranked in **tier 1** have governments that fully comply with the TVPA's minimum standards for the elimination of trafficking. Countries ranked in **tier 2** have governments that do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards. Countries ranked in **tier 2 watch list** have governments that do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and for which: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government

officials; or c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year. Countries ranked in **tier 3** have governments that do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Below is a summary from the 2015 Trafficking in Persons Report of trafficking in Sierra Leone, Liberia, and Guinea. Sierra Leone and Liberia were ranked in tier 2 while Guinea was placed on the tier 2 watch list, due to an increase in trafficking cases and lack of commitment to anti-trafficking efforts.

SIERRA LEONE (tier 2)⁵

Sierra Leone is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Rural to urban trafficking leads to exploitation in prostitution, domestic servitude, and forced labor in diamond and granite mining, petty trading, street crime, and begging. Most trafficked children are exploited in forced begging, forced labor, and prostitution. The Sierra Leonean government has been making significant efforts to comply with the minimum standards for the elimination of trafficking. However, the outbreak of Ebola Virus Disease severely affected the country and overwhelmed the government's resources and capacity to effectively address a variety of issues, including trafficking in persons. The Anti-Trafficking in Persons Act of 2005 prohibits all forms of human trafficking and prescribes a maximum penalty of 10 years' imprisonment or a fine of 30 million Leones (\$6,000) for both sex and labor trafficking offenses. There has also been collaboration with various NGOs to raise awareness of the dangers of trafficking in Sierra Leone and provide training to law enforcement officials.

However, in reality a vast majority of potential cases of trafficking particularly across international borders are not arrested due to porosity and weak security measures at the borders. The government is also unaware of the trend of trafficking within the country and within the region as well and hence not sensitive to the issue. Movement of people including children over porous borders within West Africa and beyond have continued to increase the number of children trafficked from Sierra Leone and neighbouring countries year after year. For example, data from Defence for Children Netherlands and Co-Mensah (an

⁵ 2015 Trafficking In Persons Report.

organization accredited by the government of the Netherlands to be registering victims of trafficking) reveal that about 173 children and young people have been trafficking from Sierra Leone to the Netherlands alone between 2011 to 2014⁶. Many more children may have been trafficked to other parts of Europe, USA, the Middle East and other parts of the world. Statistics to show evidence of trend of trafficking is hard to come by because measures have not been put in place for it.

Trafficking cases are not prosecuted in Sierra Leone due to judicial inefficiency and constant procedural delays which require victims to travel frequently to the capital for court appearances at their own cost. Furthermore, there are no state-run shelters for trafficking victims in Sierra Leone. The government has provided tax-exempt status and duty free importation for NGOs providing protective services to trafficking victims.

Recently the Ministry of Foreign Affairs and the Sierra Leonean Embassy in Kuwait identified at least nine women and girls who were subjected to forced labor in Kuwait. The government, with the help of an international organization, worked to facilitate their return to Sierra Leone. Similarly in 2014 and 2015, Defence for Children International in Sierra Leone and Liberia partnered with Interpol in both countries to prosecute a case of an alleged trafficking of 3 children who were trafficked from Sierra Leone to Mauritania via Liberia. The alleged perpetrator was arrested in Liberia and prosecuted in Liberia. With legal aid provided by DCI, the perpetrator was found guilty and the children were brought back to Liberia and reunited with their mother through the assistance of the Government of Mauritania and the UN Mission.

LIBERIA (tier 2)⁷

The Liberian government has been making significant efforts to comply with the minimum standards for the elimination of trafficking. However, like in Sierra Leone, the outbreak of Ebola Virus Disease severely affected the country and overwhelmed the government's resources and capacity to effectively address a variety of issues, including trafficking in persons. In Liberia, most trafficking victims originate from and are exploited within the country's borders, where they are subjected to domestic servitude, forced begging, sex trafficking, or forced labor in street vending, diamond mines, and on rubber plantations. Traffickers typically operate independently and are commonly family members who promise

⁶ Co-Mensah and Defence for Children/ECPAT Netherlands 2015

⁷ 2015 Trafficking In Persons Report.

poorer relatives a better life for their children. Children sent to work as domestic servants for their wealthier relatives are often vulnerable to forced labor or, to a lesser extent, sexual exploitation.

A small number of Liberian men, women, and children are subjected to human trafficking in other West African countries, including Cote d'Ivoire, Guinea, Sierra Leone, and Nigeria. Bribery at border stations, capacity issues, and generalized corruption within the judiciary continued to hamper trafficking investigations and prosecutions. Despite the country's significant internal trafficking problem, the government has yet to ever successfully convict a Liberian national for trafficking in persons. There are no government-run shelters or safe homes specifically for trafficking victims in Liberia, and the government continues to rely heavily on NGOs and civil society groups to provide basic assistance and financial support to victims. Nonetheless, the government allocated the equivalent of approximately \$15,000 toward victim protection and assistance in 2014 and additional funds in March 2015 to rescue and rehabilitate 10 Liberian women subjected to domestic servitude in Lebanon.

Liberia's 2005 Act to Ban Trafficking in Persons prohibits all forms of transnational and internal trafficking. It prescribes a minimum sentence of one year's imprisonment for the trafficking of adults and six years' imprisonment for the trafficking of children, but does not include a maximum sentence for the trafficking of adults.

GUINEA (tier 2 watch list)⁸

Guinea is a source, transit, and—to a lesser extent—destination country for men, women, and children subjected to forced labor and sex trafficking. The majority of trafficking victims are children, and trafficking is more prevalent among Guinean citizens than foreign migrants in Guinea. Girls are sometimes sent to intermediaries who subject them to domestic servitude and commercial sexual exploitation, while boys are forced to beg on the streets, work as street vendors or shoe shiners, or labor in gold and diamond mines.

Some reports indicate that children are sent to the coastal region of Boke for forced labor on farms or to Senegal for education in Koranic schools, some of which exploit students through forced begging. Guinea is also a transit point for West African children subjected to forced labor in gold mining throughout the region.

⁸ 2015 Trafficking In Persons Report.

The Government of Guinea has made significant efforts to comply with the minimum standards for the elimination of trafficking but did not demonstrate overall increasing anti-trafficking efforts compared to the previous years; therefore, Guinea was placed on Tier 2 Watch List for a third consecutive year. The outbreak of Ebola Virus Disease severely affected the country and overwhelmed the government's resources and capacity to effectively address a variety of issues, including trafficking in persons. During 2015, there were increased reports of girls and women exploited in sex trafficking in Europe. Boys are exploited in prostitution in the Netherlands. For example 191 children and young people trafficked from Guinea to the Netherlands from 2011 to 2014 were registered by the government of the Netherlands through the work of Co-Mensah.⁹ Thai, Chinese, and Vietnamese women are subjected to forced prostitution in Guinea.

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; 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.

The Office for the Protection of Gender, Children, and Morals within the Guinea police, responsible for investigating trafficking and child labor, remains severely underfunded. The government fails to proactively identify or directly provide services to trafficking victims; furthermore, Guinea does not provide funding or support to NGOs that assist victims. The government recently concluded an investigation from March 2014, which led to four prosecutions and the conviction of three trafficking offenders for forced child labor, an increase from the previous year, in which the government only prosecuted and convicted one trafficking offender.

There is one reported case in which the Government of Guinea worked with the Government of Senegal to repatriate 12 victims of forced child labor to Guinea and then subsequently worked with an NGO to ensure that the children were ultimately reunited with their families.

RECOMMENDATIONS

⁹ Co-Mensah is an organization accredited by the government of the Netherlands to be registering victims of trafficking

The absence of good inter-country coordination and cooperation has hindered the effectiveness of trafficking prevention initiatives. Training communities and the promotion of education and schooling for children increases the awareness of the dangers of trafficking, and may reduce the number of cases of trafficking.

In 2001 Dr. Rima Salah, UNICEF Regional Director for West and Central Africa, made a few recommendations on how the region can improve on trafficking prevention efforts at the First Pan African Conference On Human Trafficking.¹⁰ Dr. Salah stressed that the region must use a multi-faceted strategy approach in combating the multi-dimensional causes of child trafficking. These strategies should include:

1. **Raising public awareness:** carry out public awareness activities in urban and rural areas, in market places, in schools, in churches and mosques and particularly in border towns and villages.
2. **Promotion of education as a preventive strategy:** Educating and keeping children at school reduce their risk of getting involved in trafficking rings. Similarly, school can serve as a safeguard for the children continuing their education.
3. **Strengthening partnerships and cooperation:** NGOs working in the area of protecting the rights of children need to build their capacity for effective institutional and program management. They also need to collaborate and network to exchange information and experiences and for mutual support. Highly visible meetings help in forging consensus and enhanced capacity, commitment and capability in the NGO community.
4. **Establishing a legal and penal support system:** Beyond creating awareness of the problem, national authorities must see the urgency of establishing legal provision to deter traffickers and serve as a basis for instituting legal proceedings against traffickers and their accomplices. For human trafficking to be controlled, it is essential to have a legal framework which accomplishes two things: 1) regulation of the movement of minors, and 2) establishment of penalties for acts that constitute trafficking.

¹⁰ Salah, Rima “Child Trafficking In West And Central Africa: An Overview.”



5. DCI also believe that socio-empowerment of vulnerable groups particularly girls, young women, boys and poor families is also key to preventing child trafficking. This should be approached through the involvement of the private sector as well
6. Legal reforms and training of law enforcement agencies and community leaders to implement and enforce laws against trafficking cannot be over emphasized.