

End of mission statement of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally, on her visit to Guinea-Bissau, 4 - 14 November 2024

Bissau, 14 November 2024

Introduction

1. The Special Rapporteur undertook a country visit to Guinea-Bissau from November 4-14. The Special Rapporteur is grateful to the Government of Guinea-Bissau for its excellent cooperation and support in facilitating the visit.
2. During the visit, the Special Rapporteur met with the President of the Republic, the Prime Minister, Minister for Foreign Affairs, and the Ministers for Agriculture, Public Health, Public Administration and Tourism. She also met with the President of the Women and Child Institute and other government officials, the Supreme Court, judicial police and national guard, civil society, women's organisations, youth leaders, lawyers, traditional leaders and communities, religious leaders, and the National Human Rights Commission. She also met with the Prosecutor General, the Vice-President of the Supreme Court, and with the Bar Association. She also visited Bissau detention center presently use as prison and shelters for the accommodation of child victims of trafficking in Bissau, Bafata and Gabu. The Special Rapporteur met with the Governors of Bafata and Gabu and regional authorities.
3. During the visit the Special Rapporteur met with the diplomatic community and with UN agencies. In addition to Bissau, she visited Bafata, Gabu and Cambaju.

Background and context

4. Extreme poverty contributes to high risks of trafficking for all forms of exploitation. These risks are further exacerbated by limited access to justice and severe limitations in the administration of justice and rule of law, leading to widespread impunity for all forms of trafficking, particularly affecting children.

Positive developments

5. The Special Rapporteur highlights significant developments in the legislative framework of Guinea-Bissau, including the adoption of Law No. 12/2011. The adoption of the National Strategic Plan to Prevent and Combat Trafficking in Human Beings in Guinea-Bissau is a welcome development. The establishment of the National Committee to Prevent and Combat Trafficking in Human Beings is an important measure to coordinate policy and strategy implementation at national level. However, continuing political instability undermines democratic governance and the rule of law, and limits the capacity to achieve key objectives of the National Strategic Plan as well as justice and security sector reform, and protection of human rights.
6. There is an urgent need for increased financial resources and capacity building to support the effective implementation of the National Strategic Plan to Prevent and Combat Trafficking in Human Beings. The provision of time limited project funding is insufficient to effectively combat the serious human rights violation of trafficking in persons and to ensure a sustained and comprehensive response by the state, prioritising prevention, protection and access to justice. The Special Rapporteur highlights the importance of prioritisation by the international community and UN entities of measures to combat all forms of trafficking, and the urgent need

to provide sustained financial support and capacity building for the implementation of the National Strategic Plan.

Trafficking of children and rights of the child

7. Child poverty, food insecurity, and limited access to quality education, contribute to serious risks of child trafficking. Child trafficking is prevalent in domestic households, for purposes of domestic servitude. Girls are particularly at risk of exploitation as domestic workers, trafficked for purposes of domestic servitude from rural to urban areas, or exploited in informal 'foster' family arrangements, and at high risk of sexual exploitation.
8. Children in street situations are particularly at risk of trafficking. Girls engaged in street vending or begging, are at risk of sexual exploitation. Sexual exploitation of boys is less visible but is also a serious risk for boys in street situations.
9. In agriculture, children may be at risk of trafficking for forced labour, particularly during the cashew harvest period, and are at high risk of other serious human rights violations including health and safety risks in hazardous work.
10. The most prevalent risks of trafficking reported relate to children separated from their families, recruited to attend Quranic schools, and at risk of exploitation in begging. Children are also at risk of being transported to neighbouring countries, where many are exploited in begging, in street situations. While dialogue with religious leaders, Quranic masters, and regional authorities has sought to combat such forms of trafficking, children continue to be victims of trafficking. Given the lack of effective child protection, or accountability, high risks of sexual exploitation also persist, with widespread impunity.
11. Weak child protection systems, and widespread impunity for all forms of violence against children, enables child trafficking to persist. Despite reports of child trafficking consistently arising, and initiation of investigations, cases do not progress to prosecution. Child friendly justice measures require further strengthening to ensure access to justice for children, and protection in criminal justice proceedings.
12. Despite the suspension of inter-country adoptions by the Government of Guinea-Bissau, the Special Rapporteur is concerned at reports that illegal inter-country adoption is continuing, raising very serious risks of child trafficking, given the absence of effective protection processes. Urgent measures are required to combat this practice and to investigate and prosecute those responsible to combat impunity.
13. Children with disabilities may be at greater risk of trafficking, including for the purpose of exploitation in begging, given the limited access to inclusive education and services.

Gender inequality and risks of trafficking in persons

14. Gender inequality, the prevalence of gender-based violence, discrimination in access to land, natural resources and in employment and education, contribute to heightened risks of trafficking of women and girls, particularly for forced labour, domestic servitude, forced marriage and sexual exploitation.
15. Trafficking occurs through informal networks, often involving family and community members. Access to justice is limited, as traditional justice processes are preferred, which may reinforce gender inequality and impunity for the serious crime and serious human rights violation of trafficking. The need for gender sensitive and trauma informed criminal justice procedures is evident, and continued efforts to strengthen access to justice particularly in rural areas, realising the right to gender equality. The Special Rapporteur was impressed by the work and advocacy of women's associations, seeking to combat all forms of trafficking in persons, and to

promote gender equality, with limited resources or support from the state or international community.

Identification, assistance and protection measures

16. The lack of assistance for all victims of trafficking, including safe accommodation, access to medical and psycho-social assistance, is a very serious concern. Some accommodation for child victims is available, provided by civil society, but funding is extremely limited, and often non-existent. Assistance is dependent on voluntary support by community members and is difficult to sustain. Adult victims, particularly young women, are frequently accommodated in child shelters as no other support or assistance is available, including in situations where serious risks of violence and intimidation exist. Urgent action is needed to develop support structures, safe accommodation and programmes of assistance and protection for adults and children, with sustained funding and implementation across the state.
17. The Special Rapporteur highlights the limited resources available for assistance and protection measures, and the need for resourcing and comprehensive programmes of support to ensure the provision of services across the country, particularly in rural areas. While the prioritisation of assistance and victim protection in the National Strategic Plan is very welcome, targeted resources are urgently required to support effective and timely implementation.

Ensuring accountability and rule of law: effective investigations and prosecutions

18. The Special Rapporteur was impressed by the efforts of the judicial police to undertake effective investigations into trafficking in persons, and the commitment to international cooperation including through Interpol, to identify and assist trafficked children, and to ensure accountability. The limited functioning of the judicial system in rural areas contributes to widespread impunity for trafficking in persons, despite efforts by the judicial police to ensure effective investigations, in cooperation with the public order police and national guard. Concerns were repeatedly raised in relation to high risks of corruption and interference in the investigation of trafficking in persons, contributing to impunity.
19. Use of social media networks, and technology facilitated trafficking is increasing. However, capacity to investigate the use of digital technologies in trafficking, and to present digital evidence is limited.
20. There was limited knowledge of the non-punishment principle as it applies in the context of trafficking in persons, or capacity for implementation, increasing risks that trafficked persons are punished rather than receiving assistance and protection. These risks are prevalent in the context of forced criminality, and in the context of investigations of drugs related offences, in particular, where people in vulnerable situations may be exploited in criminal activity. Failure to apply the non-punishment principle undermines the right to a fair trial and impedes accountability as investigations are not targeted at perpetrators of serious crimes and serious human rights violations.
21. Conditions in detention center, presently used as prison are inhumane, and not compliant with international or regional human rights standards. Training on identification of trafficked persons, and assistance measures, has not taken place and is urgently required. The Special Rapporteur noted the commitment of prison authorities to facilitating access to lawyers for prisoners. There was limited evidence of engagement with civil society or rehabilitation programmes for inmates.

Access to Justice and Rule of Law

22. Concerning the administration of justice, the Special Rapporteur highlights that the independence of judges and lawyers is crucial to combating trafficking in persons, to ensuring

access to justice for victims and accountability for the serious human rights violation and serious crime of trafficking in persons.

23. Urgent measures are required to strengthen the administration of justice, and the independence of judges and lawyers. Allegations of corruption, undermining the effective administration of justice and rule of law, contribute to a climate of impunity for trafficking in persons.
24. Access to legal aid is severely limited, impeding access to justice for victims of trafficking. Access to compensation for this serious crime is non-existent, including in the context of forced labour and domestic servitude.

Trafficking in persons for purposes of Forced Labour

25. Limited capacity for protection of workers' rights, and weak enforcement of labour laws, increases risks of trafficking for forced labour. In high-risk sectors such as domestic work, agriculture, fisheries, and mining, where regulation and enforcement is particularly limited, there are serious risks of trafficking for forced labour, affecting adults and children.
26. The role of civil society, particularly domestic workers associations and trade unions are critical to the prevention of trafficking for forced labour. The Special Rapporteur was particularly impressed by the human rights advocacy in support of domestic workers, and deeply concerned by the serious human rights violations endured by domestic workers, including trafficking in persons for purposes of domestic servitude. Women and girls are particularly at risk and forced labour co-exists with high risks of sexual exploitation of domestic workers. Despite important legislative developments, implementation of labour rights is weak, and widespread abuses of domestic workers persist with impunity.
27. In the agriculture sector, seasonal migrant workers, primarily women arriving from neighbouring regions have limited protections or access to social security. The limited capacity for inspections and enforcement of the rights of agricultural workers contributes to risks of exploitation, including trafficking. While several initiatives are under way in the Ministry of Agriculture, to improve the conditions of agricultural workers, implementation remains limited.
28. In the fisheries sector, confusion in relation to jurisdiction, competence, and enforcement of the labour rights of fishers, contributes to impunity, and to increased risks of trafficking for purposes of forced labour, particularly in the context of illegal fishing. New cooperation agreements with the EU and China in the fisheries sector, must ensure that the rights of fishers and all workers in the fisheries sector are effectively protected.
29. The need to strengthen civil society and to ensure an enabling environment for civil society and trade unions is critical. The Special Rapporteur stresses the critical importance of partnership to prevent trafficking and to assist victims, and is concerned at reports of shrinking civil society space, and lack of sustainable funding for civil society.

Trafficking in the context of migration and mixed movements

30. The Special Rapporteur is concerned at the risks of trafficking in the context of irregular migration, particularly through Senegal and onwards to Libya. The limited access to safe, regular migration pathways for employment, push young people into dangerous situations. Young people pay large sums of money to seek employment opportunities in Europe and are frequently tricked into taking risky journeys by land and sea, at risk of sexual exploitation and of forced labour. Reports of kidnapping for ransom are increasing. Limited assistance is available to victims of trafficking on return, and access to justice, accountability and effective remedies for trafficking in the context of migration, are non-existent. While international organisations, civil society and voluntary organisations seek to provide support, assistance and reintegration measures are extremely limited. Reports of mixed movements of people through Bolama, in

particular, and risks of exploitation are of serious concern, given the very limited assistance and protection available, and limited access to justice in the region.

Trafficking for purposes of sexual exploitation

31. The risks of trafficking for purposes of sexual exploitation in the context of the expanding tourism are significant, particularly on the Bijagós islands, and were repeatedly highlighted throughout the visit. Children, both boys and girls, are particularly at risk, given the context of extreme poverty and weak child protection systems, and weaknesses in the administration of justice. Despite important measures taken to promote responsible tourism and adoption of a Code of Conduct, impunity persists.
32. Sex workers, particularly drug users, may be at increased risk of trafficking in persons for purposes of sexual exploitation, and encounter additional difficulties in seeking access to justice, assistance and protection from police and state authorities.

Rights of Persons with Disabilities

33. The Special Rapporteur welcomes the ratification of the UN Convention on the Rights of Persons with Disabilities and highlights the urgency of implementation, as an important measure to reduce risks of exploitation of persons with disabilities and ensure effective access to justice. The participation and leadership of people with disabilities in design and implementation of such measures is crucial to a human rights model of disability inclusion.

Climate change displacement and conflict

34. The impact of climate change and environmental degradation is contributing to loss of livelihoods, food insecurity and displacement of communities particularly from rural to urban areas. These negative changes particularly impact on women and children. In the context of weak child protection mechanisms and limited access to education, children who are displaced are at increased risks of exploitation. Due to more limited access to employment and livelihood opportunities, and more limited control over resources and decision-making within families, women who are displaced are also at increased risk.

Refugees and stateless persons

35. The Special Rapporteur welcomes measures taken to ensure the rights of refugees and to combat statelessness, and stresses the need for continuing action to eliminate statelessness, which may increase vulnerability to trafficking in persons.

Women Peace and Security

36. Actions to combat all forms of trafficking in persons and to ensure the rights of trafficked persons should be central to women peace and security agendas and action plans. The Special Rapporteur notes the limited attention given to the WPS agenda, despite the continuing fragility of the state and peace building process.

Youth Peace and Security

37. Combating all forms of trafficking in persons particularly affecting young people, must be central to the Youth Peace and Security agenda, including through effective prevention measures, promoting access to employment, decent work, quality education and training.

Preliminary recommendations

Rights of the child and trafficking of children

Prevention strategies

- Strengthen, in line with SDG target 16.9, birth registration campaigns to ensure all children are registered, allowing further collaboration with local communities to ensure child registration at birth through different mechanisms adapted to local context together with the civil registry office;
- In accordance with the Global Compact for Safe, Orderly and Regular Migration strengthen measures to reduce statelessness, including through facilitation of registration of children whose parents are non Bissau-Guinean nationals or lack identity documents;
- In relation to sexual exploitation in tourism, implement current initiatives such as the National Code of conduct for the protection of children against abuse and sexual exploitation in the tourism sector, establishing and developing agreements with private sector in the hospitality industry and affected communities to implement and operationalize the Code of Conduct;
- In line with SDG goal 4 and target 4.1 enhance national school system nationwide, and especially in rural areas, implementing policies to ensure universal and free education for children in primary and secondary education. Ensure accessibility to children with disabilities in education;
- Accompany universal education policies with awareness raising campaigns about children rights to education and the importance of children attending school, especially in at risk areas where children dropping out of school system is more prevalent. Include specific awareness programmes to combat harmful practices, in particular in relation to misconceptions regarding child marriage, exploitation in domestic servitude (menina de criação), and in child labour.
- Take urgent action to combat child trafficking by religious leaders in Quranic schools, in particular for exploitation in begging, through engagement with religious and community leaders, women's associations, human rights defenders, and police and prosecutors.

Recommendations in the context of social and health services and identification and protection of potential victims of trafficking

- In line with the National Policy on Integral Protection of Children, establish a national multi-sectorial network or coordination mechanism for child protection that can work at national , regional and local level, including through strengthening and expanding the presence of social workers in all regions to help identifying families at risk and more vulnerable to trafficking of children for all purposes and especially child begging, child marriage and child labour, as well as families with children with disabilities to combat discriminatory attitudes;
- Expand the presence of health actors in the rural regions and collaborate with civil society and international organizations in the delivery of trauma informed, child sensitive and gender responsive training to identify risk factors to all forms of trafficking. Ensure protocols are in place with local social services for the exchange of information and proper referral to law enforcement and social services;
- Institutionalize assessment mechanisms in best interests of the child determinations regarding reintegration of children with their families to ensure minimizing the risk of revictimization in collaboration with civil society;
- Accompany child survivors and, in case, their families, with long term reintegration programmes focusing on ensuring child attendance to school and avoiding stigmatization of returned children, in particular girls victims of child marriage or victims of sexual exploitation;

Assistance and Protection of victims of trafficking

- Ratify and implement the Optional Protocol to the Convention against Torture, and develop the capacity of the National Preventive Mechanism to identify victims of trafficking in detention, and ensure referrals for assistance and protection;
- In relation to support to victims, enhance and support the collaboration of State social services institutions with civil society actors to provide early support to victims of trafficking, including accommodation, medical and psychosocial support, as well as access to legal services, understanding that the support and protection of victims/survivors is a responsibility of the State and funding must be ensured to provide for.
- Ensure early protection measures such as accommodation can be tailored to different types of exploitation and to all types of victims; establish a sustainable funding mechanism to institutionalize victim support and long term reintegration;
- To UN and development partners, develop and implement capacity building activities for civil society actors in project development and management to ensure capacity to reach sustainable sources of funding, as well as advocacy capacity, also at international levels, facilitating access and integration into international CSO networks;
- Enhance data collection capacity on cases of trafficking for all forms of exploitation, in order to support development of evidence-based strategies to counter identified forms of trafficking. Anecdotal evidence on cases of sexual exploitation of children in tourism, exposure to sexual exploitation of children street vendors and children/women in domestic work must be further analyzed. Data collected must be disaggregated by gender, age, form and purpose of trafficking, etc;
- In collaboration with civil society and local community leaders design, develop and implement awareness raising campaigns tailored to the specific risks identified in each area/region, regarding issues such as children in forced begging, child marriage, exploitation in tourism, street vendors, as well as use of technologies, including risk of recruitment through fraudulent offers in social media;
- Improve/enhance labour inspectorate capacity to identify and refer cases of exploitation, in particular developing and implementing training and specific strategies tailored to at risk sectors such as agriculture, fisheries and domestic work;

Trafficking in the context of migration

- In line with the Global Compact for Safe, Orderly and Regular Migration, expand safe and regular migration opportunities, and strengthen the protection of migrants in countries of destination, and the capacity for the prevention of trafficking and protection of victims among consular and embassy officials abroad;
- Strengthen the regulation of recruitment agencies and intermediaries, increasing capacity of inspectorate or oversight mechanisms to identify fraudulent offers in particular in the context of recruitment of women migrant workers and ensuring effective investigations and prosecutions of all those involved in trafficking in persons for all forms of exploitation in order to combat impunity;
- In line with Global Compact for Safe, Orderly and Regular Migration Objective 2, invest in development of access of youth to labour market through creation/improvement of vocational training and skills development programmes and partnerships to promoting entrepreneurship in cooperation with the private sector and trade unions;
- Develop and implement awareness raising activities about the risks in irregular migration, especially in rural areas, in coordination with local social actors and leaders and include

information on specific risks regarding fraudulent job offers, including offers on social media, as well as information on regular paths, including “*country-specific immigration laws and policies, visa requirements, application formalities, fees and conversion criteria, employment permit requirements, professional qualification requirements, credential assessment and equivalences, training and study opportunities, and living costs and conditions, in order to inform the decisions of migrants* (Global Compact for Safe, Orderly and Regular Migration Objective 3);

- Improve/enhance, also through appropriate financing, border control through provision of human rights and trauma-informed training to facilitate and standardize identification of victims of trafficking in persons or of any form of exploitation and abuse, especially children, in particular those unaccompanied or separated, and ensure prompt referral to appropriate protection services in collaboration with State authorities and civil society actors;

Access to justice, effective investigations and rule of law

- Strengthen the independence of the judiciary and safeguard the independence of lawyers;
- Ensure effective investigations and prosecutions through strengthened administration of justice and actions to combat corruption which contributes to impunity for the serious crime and serious human rights violation of trafficking in persons;
- Take effective action to combat the impunity of religious leaders engaged in child trafficking, through effective investigations and access to justice for child victims and their families;
- Ensure gender sensitive and child sensitive investigations of trafficking for purposes of sexual exploitation, prioritizing the rights, safety and dignity of victims;
- Strengthen capacity for rights based forensic medical examinations to support effective investigations of trafficking in persons, and development of best practice guidelines;
- Continue to expand the Centre for Access to Justice (CAJ) initiative and reinforce, through sustainable funding, the Bar Association initiative on free access to legal aid, especially in rural areas;
- Expand and reinforce Mobile Courts programme to ensure access to justice also in rural areas;
- Establish and develop awareness raising programmes among at risk groups, especially in rural areas about access to justice and available mechanisms to denounce cases of trafficking and any form of exploitation, in particular gender-based violence and exploitation of girls;
- Establish competence-based admission to law enforcement bodies and establish compulsory training on integrating gender responsive policies to better respond to needs of women and girls who are or could be victims of exploitation and abuse, and to combat discriminatory and stigmatizing attitudes from law enforcement actors towards women and girls, especially in the context of sexual exploitation;
- Expand presence and capacity of judiciary police (human resources, infrastructures and equipment), especially in the regions and enhance capacity to investigate cases of trafficking in persons to ensure case progression within the justice system to ensure effective access to remedies for victims of trafficking and prosecution of traffickers in line with international obligations; investigate and prosecute allegations of corruption within the law enforcement and justice mechanisms;
- Strengthen the capacity to investigate and prosecute technology facilitated trafficking and use of digital evidence in investigations and prosecutions

- Strengthen access to justice for children, through implementation of child friendly justice measures;
- Ensure gender sensitive and trauma informed investigations and criminal justice proceedings, including in court processes, providing specialized assistance to victims and witnesses in trafficking cases;
- Provide human rights based training on trafficking in persons to all justice sector actors, including on the non-punishment principle, and right to effective remedies for trafficked persons.

Promoting gender equality and women's empowerment

- Continue to develop and implement, alongside traditional leaders and civil society actors, particularly women associations, especially in rural areas, awareness raising programmes about women's rights, especially in the context of access to land property and hereditary rights to ensure women retain rights to land and property also after death of husband or in the case of divorce;
- With the support of development partners, develop mechanisms to ensure women's access to credit in all regions;
- Enhance economic diversity especially in areas most dependent on cashew nut cultivation, as well as support (together with development partners) modernization of agricultural techniques.