

## Summary

*I have to get up at 4a.m. and work up to 10p.m. I wash the laundry, clean the house, do the dishes, buy things at the market, and look after the children. I am told I get 15,000GNF [US\$2.50] per month, but I have never seen that money.*

–Thérèse I., age 14

*Sometimes my employers beat me or insult me. When I say I am tired or sick, they beat me with a whip. When I do something wrong, they beat me too.... When I take a rest, I get beaten or am given less food. I am beaten on my buttocks and on my back.*

–Rosalie Y., age 9

*[The] husband wakes me up and rapes me. He has threatened me with a knife and said I must not tell anyone. He does it each time his wife travels. I am scared. If I told his wife, I would not know where to live.*

–Brigitte M., age 15

Domestic work is the largest employment category for children worldwide. In Guinea tens of thousands of girls work as child domestic workers. While other children in the family often attend school, these girls spend their childhood and adolescence doing “women’s” house work, such as cleaning, washing and taking care of small children. Many of them work up to 18 hours a day. The large majority are not paid; a few others receive payments, often irregular, of usually less than US\$5 a month. Many child domestic workers receive no help when they are sick and go hungry as they are excluded from family meals. They are often shunned, insulted and mocked. They may also suffer beatings, sexual harassment and rape. Despite these conditions, leaving their employer family is difficult for many child domestic workers who cannot reach their parents and have nowhere else to go. Such girls live in conditions akin to slavery.

In West Africa the recruitment of girls for domestic labor happens in a wider context of migration, gender discrimination, and poverty. Women’s and girls’ roles are still often limited to the role of wife and mother. Almost one-third of Guinean girls are

never enrolled in primary school, and many more are pulled out during the first few years. Girls from poor rural areas in particular are often considered not worthy of education by their parents. Many parents send their daughters to live and work with families in the cities. Sending children to grow up with relatives—child fostering or *confiage*—is a common social practice across Africa. Guinean child domestic workers often work in the house of a relative, where they have been sent by their parents at an age as young as five. Other girls from within Guinea or from neighboring countries work in the homes of strangers. Adolescent Malian girls in particular travel to Guinea for domestic work to earn money for their dowries.

If a host family treats a girl well, sends her to school and allows her to be in contact with her parents, she might have a better future than at home. As long as work does not interfere with their education, international law allows for children to carry out some light work, i.e. non-hazardous domestic tasks as part of daily chores. When adults host a girl as domestic worker, that child is dependent on them for care, and in that role they can be considered de facto, but not legal, guardians as well as employers. As primary care givers for the child at that time, they are expected to meet certain duties towards the child. Yet, many adults employing girl domestic workers do not behave like responsible guardians or employers, but instead like brutal masters. This is sometimes the case even with close relatives as well as with non-relatives. Girls' parents also often fail to check whether their daughters are treated respectfully. The exploitation of children as domestic workers is very widespread and largely socially accepted. Middle and upper class families, including government and NGO employees, often have child domestic workers in their homes and rarely consider their treatment an abuse. At the same time, it is difficult for the victims to seek redress as abuse occurs in the home and is hidden from public scrutiny. Some child domestic workers even become victims of trafficking, in so far as they are recruited, transported, and received for the purpose of exploitation, such as forced labor or practices similar to slavery.

Exploitation and abuse of child domestic workers is a violation of national and international law. The Guinean government is a party to the Convention on the Rights of the Child and all major international and regional treaties on child labor, gender discrimination, and trafficking. Under Guinean law, children have a right to

education and primary school attendance is compulsory. The minimum age for employment is 16, but there is provision for children under 16 to be employed with the consent of their parents or legal guardians. Children over the age of 16 are permitted to work within certain limits, but must be afforded their full labor rights. In addition, Guinean law protects children against corporal punishment and other physical violence, sexual abuse, and trafficking. International law also provides clear prohibitions against certain harmful behavior to protect children from discrimination, physical violence, trafficking and the harmful consequences of child labor. It affords children the right to education and sets out how duties towards children should be fulfilled, whether by the state, parents, legal guardians or others in whose care a child finds himself or herself.

In recent years, the Guinean government and international actors have undertaken some promising measures to improve girls' access to education and fight child trafficking in particular, though the impact on girl domestic workers seems to be limited so far. In the context of the Education for All Fast Track Initiative, an international initiative by donors, UN agencies and developing countries, Guinea has taken steps to improve access to primary education, in particular for girls. Enrollment rates of girls have risen, but almost one-third of girls do not attend school at all. There have been few efforts specifically targeted at enrolling girl domestic workers, who have particular difficulties in accessing education.

The government has also created a special police unit, the *police mondaine* (vice police) to combat child prostitution, trafficking and other abuses against children. With limited resources, the *police mondaine* have started to seriously investigate cases and hand them over to the judiciary. However, there have been very few prosecutions so far. The judiciary suffers from serious institutional weaknesses, including lack of training and corruption. Many victims lack faith in the justice system. In practice guardians and other adults can and do commit physical and sexual abuses against girl domestic workers with complete impunity.

In June 2005, the Guinean and Malian governments signed an anti-trafficking accord and are now working on its implementation. Most activities focus on monitoring and controls at and near borders, as well as repatriation. While these activities can

potentially stop trafficking, they are problematic in that they risk stopping legitimate migration and infringing on the freedom of movement of girls in particular.

Even if anti-trafficking measures were exemplary, they would not suffice to end abuses against child domestic workers. Many child domestic workers are isolated in their employers' homes and are unable to access any information or assistance from outside. They are stuck for years in abusive and traumatic situations. There is no child protection agency in Guinea to systematically monitor the well-being of children and, if necessary, facilitate their removal from abusive homes; while the Ministry of Social Affairs has responsibility for this issue, it is not operational. There is also no developed foster care system that can provide children with a monitored, protective alternative family environment. While there is a labor inspection service, it is understaffed and does not deal with the situation of child domestic workers.

Local non-governmental organizations (NGOs) and community associations do their best to fill this protection gap. With some support from international donors, they attempt to gather information about the treatment of child domestic workers, speak to their guardians about their treatment, and in the worst cases to remove them. They run shelters and small networks of foster families. These associations are a great comfort to child domestic workers and have changed the lives of many. Malian child domestic workers in particular have benefited from support within their community. Still, NGOs and community associations lack personnel, training, geographical reach and financial resources to address the magnitude of the problem, and lack the legal authority to represent the girls in their care before the courts.

In March 2007, a new national government was formed following popular protests against worsening living conditions, corruption and poor governance. According to the new prime minister, Lansana Kouyaté, two priorities of the new government are strengthening the judiciary and improving the living conditions of the ordinary population, in particular the youth. The plight of girl domestic workers, in need of education, better working conditions, and protection against abuse and exploitation, fits squarely within this agenda. The Guinean government should, as a priority, establish a child protection system that allows for systematic monitoring of the well-being of children without parental care, in particular girl domestic workers and

children living in the homes of persons other than their parents. It should also take measures to professionalize judicial staff, improve access to the justice system for ordinary people, and ensure that crimes against children—such as trafficking, exploitation, sexual and physical violence—be prosecuted. Furthermore, the new Guinean government should specifically target girl domestic workers when devising programs for access to education and apprenticeships.

## Recommendations

### Key recommendations to the Government of Guinea

- Set up a child protection system within the Ministry of Social Affairs that allows for systematic monitoring of children without parental care, in particular girl domestic workers and children living in the homes of legal and informal guardians. This should be established in close collaboration with international agencies and national NGOs, who are vital to implementing such a system.
- Carry out a mass public campaign and sensitization activities about the rights of child domestic workers, including the right to education, health care and labor rights, and make clear that violence against children, exploitation and trafficking are all illegal, prosecutable offences.
- In devising programs to improve access to education for girls, take specific measures for girl domestic workers. This should include dialogue with guardians and the creation of more schools that offer primary education beyond the enrollment age and provide a bridge to regular secondary school, the so-called Nafa schools, in Conakry and other urban centers
- Investigate and punish, in accordance with international standards of due process, those responsible for child trafficking, physical and sexual violence against children, and labor exploitation.
- Amend article 5 of the Labor Code and Decree 2791 on Child Labor so that the minimum age for work is set at 15.

## Detailed recommendations

*To the Ministry of Social Affairs, Women's Condition and Childhood*

### Child protection

- In conjunction with international agencies and national NGOs, set up a system for systematic child protection which is charged with:
  - systematic monitoring of the well-being of children without parental care;
  - dialogue with de facto guardians about their responsibilities for children in their care, and as employers, information on relevant laws on child protection and child labor, and the rights of child domestic workers;
  - dialogue with de facto guardians to ensure girls are enrolled in school or allowed access to an apprenticeship, with the aim of preparing them for economic self-sufficiency in adulthood;
  - intervention including removal of girl domestic workers from abusive environments and reunification with their families, if this is in the best interest of the child;
  - if family reunification is not feasible or desirable, placing former child domestic workers in shelters or with foster families;
  - continued monitoring of foster families and staff in shelters based on clear standards for the treatment of children, with immediate sanctions and removal of children in case of abuse;
  - repatriation of children if this is in the best interest of the child;
  - medical and psychological assistance for victims;
  - rehabilitation of victims, including access to education or training, micro-credit schemes or other programs designed to assist social reintegration;
  - legal assistance for child victims of abuse, to enable them and their families or legal representatives to bring court cases;
  - referral of cases to relevant specialist institutions.

These child protection services should proactively reach out to families that host girl domestic workers. They should also be easily reachable by text messaging and a hotline.

- Take measures to implement the recommendations of the 2006 UN Secretary-General's Study on Violence Against Children on the national level, with

special attention to those recommendations related to violence against children in the work place and in the home.

### **Trafficking**

- Implement the 2005 Mali-Guinea Anti-Trafficking Accord, in particular, provisions regarding the identification of trafficking cases; the prosecution of traffickers; and voluntary repatriation and rehabilitation of trafficking victims.
- Ensure that anti-trafficking measures differentiate between trafficking and legitimate migration and do not restrict rights to freedom of movement.
- Ensure that child protection committees, which are being set up by the government with UNICEF support, have a broad child protection mandate and understand the difference between stopping trafficking and ensuring safe migration.
- Take measures to make migration safe within Guinea and in the region through dialogue with and regulation of intermediaries and transport agents that assist travel.

### *To the Ministry of National Education and Scientific Research*

- In devising programs to improve access to education for girls, take specific measures to improve primary and secondary school enrollment in quality schools for girl domestic workers, including non-Guinean nationals. In particular, start a program of sensitization and dialogue with host families of child domestic workers to encourage school attendance. If necessary, start with pilot schemes in some areas. Increase the number of non-formal Nafa schools in Conakry and other urban centers. Use stipends and other incentives, such as free school meal programs, to encourage school attendance of girls, including child domestic workers.
- Design a program to monitor school attendance of girls, in particular girl domestic workers, and encourage drop-outs to re-enroll.

- Take specific measures to ensure that girl domestic workers can access vocational training and apprenticeships with a wide range of professional options.
- Carry out market and employment analysis in order to ensure that vocational training programs and apprenticeships are based on local needs.

*To the Ministry of Labor, Public Service and Administrative Reform*

- Take steps to eliminate child domestic labor under the age of 15. Enforce existing protections against child labor, including existing protections against carrying heavy loads and other hazardous types of work.
- Develop a list of forms of work that pose a high risk of being hazardous to children with technical support from International Labor Organization, and amend labor laws and the Decree on Child Labor accordingly.
- Develop a time-bound action plan, in view of eliminating the worst forms of child labor by 2016, in line with the recommendations of the ILO Africa Regional Meeting in April 2007.
- Create the position of Child Labor Inspector within the Ministry of Labor, and provide them with the means to carry out country-wide monitoring over the use of child labor, with a focus on eliminating all hazardous work for child domestic workers, including for those over the age of 15.
- Inform girl and women domestic workers about their right to seek redress for labor exploitation at labor tribunals.

*To the Ministry of Justice*

- In conjunction with other parts of the government and international police and legal experts, take steps to professionalize judicial staff, and curb corruption in the judiciary.

- Take steps to facilitate access to the justice system for ordinary people, including girl domestic workers and former girl domestic workers. Specifically:
  - allow NGOs to intervene as parties (*parties civiles*) to a court case;
  - train investigators and judges in techniques to investigate trafficking, sexual, physical and other violence against children;
  - train labor tribunal officials in techniques to investigate labor exploitation of minors, in particular child domestic workers;
  - train all judicial officials to understand the specific needs of child victims, in order to avoid re-traumatization during legal proceedings;
  - ensure that court cases involving children can be heard *in camera* (non-public) where the best interests of the child and the interests of justice require;
  - provide victims of child abuse and their families with appropriate information about each step of their court cases, so that they have access to the process and their interests are protected. Designate case workers within the judicial system who are in regular contact with the victim and her family;
  - cooperate with national NGOs to improve access to justice.
  
- Investigate and punish in accordance with international standards of due process, those responsible for child trafficking, physical and sexual violence against children, and labor exploitation. Take measures to accelerate pending cases of alleged trafficking and child abuse.
  
- Disseminate public information about any successful prosecution and punishment of trafficking, labor exploitation, sexual violence and child abuse in Guinean courts.

*To the Ministries of Social Affairs, Justice and Human Rights, Labor and Health*

- Jointly devise and carry out a mass public campaign and sensitization activities with specialized audiences, in particular educators, labor inspectors, police and justice officials about the rights of child domestic workers, including the right to education, health care and labor rights. Make clear that

violence against children, exploitation and trafficking are all illegal, prosecutable offences.

- Carry out sensitization activities on prohibited forms of child labor, including the worst forms of child labor. This should include information about the hazardous nature of carrying heavy water containers.
- Develop a program to inform girl domestic workers about their sexual and reproductive rights, and about HIV/AIDS prevention, including information about the correct and consistent use of condoms.

#### *To the National Assembly*

- Amend article 5 of the Labor Code and Decree 2791 on Child Labor so that the minimum age for work is set at 15. In particular, abolish the clauses that allow child labor for children if parents or guardians consent to it.
- Adopt the Child Code, which would provide comprehensive protections for children and allow NGOs to intervene as parties (*partie civile*) to a court case.
- Adopt implementing legislation for the protection and enforcement of children's rights as set out in international human rights treaties to which Guinea is a party.

#### *To Guinean NGOs, youth associations and trade unions*

- Advocate for the rights of child domestic workers and encourage girl domestic workers to organize and develop their own associations for the purposes of mutual support and advocacy.
- Set up programs of legal assistance to girl domestic workers, including for cases at labor tribunals.

### *To the Government of Mali*

- Implement the 2005 Mali-Guinea Anti-Trafficking Accord, in particular, provisions regarding the identification of trafficking cases; the prosecution of traffickers; and voluntary repatriation and rehabilitation of trafficking victims.
- Ensure that anti-trafficking measures differentiate between trafficking and legitimate migration and do not restrict rights to freedom of movement.
- Take measures to make migration safe within Mali and in the region, including through dialogue with and regulation of intermediaries and transport agents that assist travel.
- Broaden the mandate of surveillance committees to address child protection issues in general, and ensure that committee members understand the difference between stopping trafficking and ensuring safe migration.

### *To all members states of the Economic Community of West African States (ECOWAS)*

- Implement the 2006 ECOWAS Plan of Action Against Trafficking in Persons, in particular, provisions regarding the prosecution of trafficking, and assistance for victims of trafficking.

### *To the United Nations Children's Fund (UNICEF)*

- Provide technical and financial assistance to relevant Guinean government ministries and to national NGOs to carry out activities to monitor, assist and support girl domestic workers, as described above. This should include:
  - support in setting up a child protection system;
  - programs to improve access to school for girl domestic workers, including an increase of Nafa schools in Conakry and other urban centers;
  - programs to improve access to the courts and labor tribunals for women and child victims, including girl domestic workers;

- programs to inform girl domestic workers about their sexual and reproductive rights, and about HIV/AIDS prevention, including information about the correct and consistent use of condoms.
- Help the government identify best practices for employment and treatment of girl domestic workers above 16, in Guinea or the region.
- Provide technical and financial assistance to the Malian and Guinean governments in implementing the 2005 Mali-Guinea Anti-Trafficking Accord.
- Ensure that anti-trafficking measures differentiate between trafficking and legitimate migration and do not restrict rights to freedom of movement. In particular, ensure that child protection committees, which are being set up by the government with UNICEF support, have a broad child protection mandate and understand the difference between stopping trafficking and ensuring safe migration; and take measures to make migration safe within Guinea and in the region, including through dialogue with and regulation of intermediaries and transport agents that assist travel.

*To the International Organization for Migration (IOM)*

- Provide technical and financial assistance to the Malian and Guinean governments in implementing the 2005 Mali-Guinea Anti-Trafficking Accord.
- Ensure that anti-trafficking measures differentiate between trafficking and legitimate migration and do not restrict rights to freedom of movement. In particular, take measures to make migration safe within Guinea and in the region, including through dialogue and contact with intermediaries and transport agents that assist travel.

*To the International Labor Organization (ILO)*

- Provide technical assistance to the National Assembly for amendments of the Labor Code and the Decree on Child Labor.

- Provide technical and financial assistance to the Ministry of Labor, in particular in creating Child Labor Inspector positions, and in elaborating a hazardous labor list.
- Provide technical and financial assistance for sensitization activities around the concepts of light work, child labor, and hazardous labor.
- Provide technical and financial assistance in developing a time-bound action plan for the elimination of the worst forms of child labor by 2016, as recommended by the ILO Africa Regional Meeting in April 2007.
- Provide legal advice to girl and women domestic workers seeking redress at labor tribunals for labor exploitation.

*To the UN General Assembly*

- Recommend the establishment of the position of UN Special Representative of the Secretary-General on Violence Against Children, in order to facilitate the implementation of the recommendations of the 2006 UN Secretary-General's Study on Violence Against Children.
- Recommend that the implementation of the study's recommendations be carried out with a strong gender analysis, and coordinated with activities initiated by the UN Secretary-General's In-depth Study on All Forms of Violence Against Women.

*To donor countries, such as the European Union (EU) and its member states, and the United States (US)*

- Provide technical and financial assistance to relevant Guinean government ministries and to national NGOs to carry out activities to assist and support girl domestic workers, as described above. This should include:
  - support in setting up a child protection system;
  - support for programs that aim to improve access to school for girl domestic workers.

- Provide technical and financial assistance to the Guinean government to professionalize judicial staff, curb corruption in the judiciary, and remove obstacles to the independence of the justice system. Fund government and NGO programs to improve access to the justice system for women and child victims, including girl domestic workers, and to support services such as shelter, legal aid, and health care.