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## **Bottom of the Ladder**

### **Exploitation and Abuse of Girl Domestic Workers in Guinea**

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## 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.

## Methodology and Terminology

Field research for this report was carried out during December 2006 and February 2007, in Conakry, the capital of Guinea, and two other locations of Lower Guinea, Forécariah and Kilomètre Trente-Six.

Human Rights Watch researchers planned the research in consultation with a range of national NGOs working in the area of child labor and exploitation. Three associations helped us make contact with girl domestic workers: Action Against Exploitation of Women and Children (Action Contre l'Exploitation des Enfants et des Femmes, ACEEF), Guinean Association of Social Assistants (Association Guinéenne des Assistantes Sociales, AGUIAS) and High Council of Malians (Haut Conseil des Maliens). In addition, the international agency Population Services International (PSI) put us in touch with sex workers, two of whom had previously worked as child domestic workers.

A total of 40 girl domestic workers and former girl domestic workers were identified and interviewed. We attempted to get interviewees of different ages, in urban and rural areas, living with relatives or strangers, and in different current life circumstances. However, some girls did not know their precise age because they had no birth registration. They gave the age they were told they had, but this could have been inaccurate. Also, it proved harder to reach out to young girls, as they often have less opportunity to leave the house and establish contact with the outside world. Thirty-three of the 40 interviewees were children at the time of the interview, between the ages of 8 and 17.<sup>1</sup> Local NGO staff translated interviews from Malinke, Sousou or Peulh into French; they also helped carry out some of the interviews.

In addition, we interviewed four parents of girl domestic workers, two guardians of domestic workers, a deputy head teacher, a medical doctor, members of the Malian community in Guinea, national and international NGOs, UNICEF, ILO and diplomatic

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<sup>1</sup> In this report, "child" refers to anyone under the age of 18. The UN Convention on the Rights of the Child states: "For purpose of this present Convention, a child is every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 1.

staff in Guinea. From the government, Human Rights Watch interviewed the then Minister of Social Affairs, Women's Promotion and Childhood,<sup>2</sup> as well as several officials in her Ministry; officials in the Ministry of Education; officials from the Ministry of Justice; and a police commissioner dealing with crimes against children.

Consultation with national NGOs was also instrumental in developing the report's recommendations.

## **Methodological challenges**

Research into abuses against children, and in particular sexual violence against girls, is highly sensitive. Victims often feel ashamed about what happened to them or that their guardian will find out about their testimony. Furthermore, talking about their experiences might re-traumatize them.<sup>3</sup>

The length and content of the interviews was adapted to the age of the girl. Interviews with girls under ten did not last longer than 15 minutes, while those with older girls could take up to an hour. When girls needed immediate assistance, for example, because of continued experiences of rape by a guardian, local NGOs were informed and took action.

Thirty-six interviews were translated by locals who were known to the interviewee. We attempted to have a female interviewer and a female translator. However, this was not always possible. Thirty-one interviews were done by a female researcher and nine by male researchers. Several interviews were done with male translators.

Interviews were carried out in a quiet setting and the names of the interviewees kept confidential; all names used in this report for child domestic workers are pseudonyms, unless marked otherwise.

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<sup>2</sup> Hereafter short Minister or Ministry of Social Affairs.

<sup>3</sup> The National Child Traumatic Stress Network, "Understanding Child Traumatic Stress," 2005, [http://www.nctsn.org/nctsn\\_assets/pdfs/edu\\_materials/understanding\\_child\\_traumatic\\_stress\\_brochure\\_9-29-05.pdf](http://www.nctsn.org/nctsn_assets/pdfs/edu_materials/understanding_child_traumatic_stress_brochure_9-29-05.pdf) (Accessed May 7, 2007); World Health Organization, "Putting Women First: Ethical and Safety Recommendations for Research on Domestic Violence against Women," WHO/FCH/GWH//01.1, 2001, <http://www.who.int/gender/violence/en/womenfirtseng.pdf> (Accessed April 19, 2007).

As the research took place during a period of political upheaval in Guinea, travel to Upper Guinea had to be cancelled. This study is therefore focused on the situation of girl domestic workers in the coastal region, commonly known as Lower Guinea.

## Terminology

This report uses the words *child domestic worker* and *girl domestic worker* to describe the girls who are the subject of the research. The term child domestic worker is more commonly used but obscures the fact that almost all child domestic workers in Guinea are girls.

In general, we call the persons who recruit girls for domestic service *intermediaries* or *recruiters*. We only use the word *trafficker* when referring to persons that are involved in the crime of trafficking.

In order to describe the adults for whom the girl is working, the report uses the term *host*, *guardian*, or *employer*. These terms are quite different and point to the different roles and responsibilities such adults have. We also use the French word for guardian, *tutrice* (female) and *tuteur* (male), used by domestic workers themselves. The choice of these terms reflects that fact that adults who have girl domestic workers in their house have legal duties both as de facto guardians and as employers.<sup>4</sup>

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<sup>4</sup> See Chapter III, “The double role of employer and guardian” for more detail, below.

## I. The Context: Girl Childhood and Migration in West Africa

### Poverty and economic crisis

West Africa is one of the poorest regions of the world and includes all five of the world's poorest five countries. The Human Development Index ranks 177 countries, with 177 being the lowest position. Mali is ranked 175th, and Guinea is 160th.<sup>5</sup> The whole region is economically dependent on a few export products.<sup>6</sup> While most countries in the region are endowed with vast natural resources, governments of West Africa have largely failed to use their mineral wealth to improve the lives of their citizens.

Within West Africa, Guinea in particular is replete with natural riches, including bauxite, iron, diamonds and gold. However ordinary Guineans appear to reap little benefit from this wealth. Indeed most of these are mined by foreign companies from Russia, Canada, and the United States among others.<sup>7</sup> The government has failed to use Guinea's vast mineral wealth to improve the lives of ordinary Guineans. The economic situation has been particularly difficult over the last five years. The rule of President Lansana Conté who came to power in a military coup in 1984, has been characterized by repression, corruption and poor governance. The International Monetary Fund (IMF), in 2000, offered to drop US\$545 million of Guinea's debt under its Heavily Indebted Poor Countries Initiative, but so far the country has not met IMF criteria regarding financial management and transparency.<sup>8</sup> Transparency

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<sup>5</sup> United Nations Development Programme (UNDP), *Human Development Report 2006* (New York: United Nations Development Programme, 2006), p.286, <http://hdr.undp.org/hdr2006/pdfs/report/HDR06-complete.pdf> (Accessed March 19, 2007).

<sup>6</sup> See for example Oxfam, *Cultivating Poverty, The Impact of US cotton subsidies on Africa* (Oxford: Oxfam 2002), [http://www.oxfam.org.uk/what\\_we\\_do/issues/trade/downloads/bp30\\_cotton.pdf](http://www.oxfam.org.uk/what_we_do/issues/trade/downloads/bp30_cotton.pdf) (Accessed April 20, 2007).

<sup>7</sup> Large foreign companies active in the bauxite industry are Alcan, Global Alumina (both Canadian), Alcoa (US American), and RUSAL (Russian). The Compagnie de Bauxites de Guinée (CBG), which does some of the mining, is owned at 49 percent by the Guinean State but 51 percent belong to a foreign company, Halco, that controls operations.

<sup>8</sup> "Guinea: EU aid back but social problems remain," IRIN, December 25, 2006, <http://www.irinnews.org/Report.aspx?ReportId=62891> (Accessed May 4, 2007).

International, in 2006, ranked Guinea 160 out of 163 countries, making it the country that is perceived to be most corrupt in Africa.<sup>9</sup>

Guinea's social indicators now resemble that of a country ravaged by war even though Guinea has not experienced any major armed conflict.<sup>10</sup> Economic growth, which averaged about 4.5 percent in the 1990s, has slowed since 2000 to an average rate of about 2.5 percent a year.<sup>11</sup> In late 2006, inflation was around 30 percent.<sup>12</sup> Basic commodities such as rice and fuel have become more and more expensive,<sup>13</sup> leading to popular protests in June 2006 and in early 2007.<sup>14</sup> The consequences of the economic crisis for education<sup>15</sup> and health<sup>16</sup> have been disastrous. The mortality rate of children under five is 163 deaths per 1000 live births.<sup>17</sup>

## Gender roles and unequal access to education

In West Africa most girls are raised to become hard-working mothers and wives. At an early age, girls often start to learn basic tasks in the household and take responsibility for preparing food, fetching water, selling goods at the market, or raising smaller

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<sup>9</sup> Transparency International, "Corruption Perceptions Index 2006,"

[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006) (Accessed April 11, 2007). The ranking is based on the degree to which corruption is perceived to exist among public officials and politicians. It draws on data in expert surveys.

<sup>10</sup> UNICEF, "Humanitarian Action Report 2007," New York, 2007, p. 218,

[http://www.unicef.org/french/haro7/files/HAR\\_FULLREPORT2006.pdf](http://www.unicef.org/french/haro7/files/HAR_FULLREPORT2006.pdf) (Accessed April 14, 2007).

<sup>11</sup> International Monetary Fund, "Guinea: 2005 Article IV Consultation and Staff-Monitored Program - Staff Report," IMF Country Report No. 06/37, January 2006,

<http://www.imf.org/external/pubs/ft/scr/2006/cro637.pdf> (Accessed May 2, 2007).

<sup>12</sup> "Guinea: EU aid back but social problems remain," IRIN, December 25, 2006,

<http://www.irinnews.org/Report.aspx?ReportId=62891> (Accessed April 11, 2007).

<sup>13</sup> "Guinea: Road to Ruin," IRIN, October 20, 2006, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LZEG-6URPZZ?OpenDocument&rc=1&cc=gin> (Accessed March 19, 2007).

<sup>14</sup> Human Rights Watch, *The Perverse Side of Things. Torture, Inadequate Detention Conditions and Excessive Use of Force by Guinean Security Forces*, vol. 18, no. 7(A), August 2006, <http://hrw.org/reports/2006/guineao806/guineao806web.pdf>; Human Rights Watch, *Dying for Change. Brutality and Repression by Guinean Security Forces in Response to a Nationwide Strike*, vol. 19, no. 5(A), April 2007, <http://hrw.org/reports/2007/guineao407/guineao407web.pdf>.

<sup>15</sup> "Guinea: School enrolment plummets as cost of living rises," IRIN, November 8, 2006, <http://www.irinnews.org/Report.aspx?ReportId=61512> (Accessed April 11, 2007).

<sup>16</sup> "Guinea: Malnutrition cases double in Conakry's children's hospital," IRIN, November 28, 2006, <http://www.irinnews.org/Report.aspx?ReportId=61675> (Accessed April 11, 2007).

<sup>17</sup> UNICEF, "Humanitarian Action Report 2007," p. 217-220.

children. An estimated 85 percent of child domestic workers in Africa are girls.<sup>18</sup> Across the region, it is considered normal for children to work; a child's work is seen as his or her contribution to the family, and many children adopt this view. Typical work for children includes household work, agricultural work, or selling goods on the street. Such work often provides a vital economic contribution to a family's survival, but it may also prevent parents from sending their children, particularly girls, to school, and burden them with hard work.<sup>19</sup> In Guinea, estimates place the percentage of working children at 73, and 61 percent of them in domestic service.<sup>20</sup>

Far fewer girls than boys attend school in Guinea and the whole sub-region. Between 2000 and 2005, 29 percent of girls in Guinea were not enrolled in primary school, whereas only 13 percent of boys were not attending primary school. The difference between boys and girls was even starker at secondary school, where half as many girls as boys are enrolled.<sup>21</sup> This situation is similar across West Africa.<sup>22</sup>

Whenever families experience financial or social problems, girls are more likely to be pulled out of school than boys. This has become particularly problematic in the context of the AIDS epidemic, as girls are more likely to stop their education to care for sick parents.<sup>23</sup>

More than 50 percent of girls in Guinea are married before their 18<sup>th</sup> birthday. Many of these marriages are arranged without the consent of the girl. In addition,

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<sup>18</sup> Jens Andvig, Sudharshan Canagarajah and Anne Kjølland, "Child Labor in Africa: Issues and Challenges," *Findings*, No. 194, November 2001, <http://www.worldbank.org/afr/findings/english/find194.pdf> (Accessed May 4, 2007).

<sup>19</sup> Loretta E. Bass, *Child Labor in Sub-Saharan Africa* (Boulder: Lynn Rienner 2004).

<sup>20</sup> Guinée Stat Plus/ Bureau International du Travail, "Etude de base sur le travail des enfants en Guinée," December 2006, p.7. The study used a random sample of children from different regions of the country, urban and rural.

<sup>21</sup> UNICEF, "At a glance: Guinea," [http://www.unicef.org/infobycountry/guinea\\_statistics.html](http://www.unicef.org/infobycountry/guinea_statistics.html) (Accessed March 15, 2007). The figures used are based on the gross enrolment ratio, which is the number of children enrolled in a level (primary or secondary), regardless of age, divided by the population of the age group that officially corresponds to the same level. In other words, this figure takes into account children that are enrolled beyond their normal enrolment age. The net enrolment ratio for girls is lower; from 2000 to 2005, 42% did not attend primary school when reaching enrolment age.

<sup>22</sup> UNICEF, "Progress for Children. A Report Card on Gender Parity and Primary Education," p.12-13, <http://www.unicef.org/progressforchildren/2005n2/PFC05n2en.pdf> (Accessed March 15, 2007).

<sup>23</sup> UNICEF, *Girls, HIV and Education* (New York: UNICEF, 2004), p.19-20, [http://www.unicef.org/publications/files/Girls\\_HIV\\_AIDS\\_and\\_Education\\_\(English\)\\_rev.pdf](http://www.unicef.org/publications/files/Girls_HIV_AIDS_and_Education_(English)_rev.pdf) (Accessed March 15, 2007). This problem has also occurred in Zambia. See Human Rights Watch, *Zambia: Suffering in Silence. The Links between Human Rights Abuses and HIV Transmission to Girls in Zambia* (New York: Human Rights Watch, 2002), <http://www.hrw.org/reports/2003/zambia/zambia1202.pdf>.

pregnancies which result at such an early age are often associated with health problems which cause higher rates of maternal and infant mortality.<sup>24</sup>

The low social status of women and girls in Guinea is reflected in high levels of violence. Women and girls are frequently victims of domestic and sexual violence, including in schools.<sup>25</sup> In 1999, a survey in Guinea put as high as 98.6 the calculated percent of women and girls who had undergone a procedure of female genital mutilation.<sup>26</sup> While illegal, the practice is firmly rooted in Guinean culture, and a girl without excision might have difficulty finding a husband. In the last eight years, the government and a local NGO have started to campaign against female genital mutilation, and some families now oppose it, or opt for a symbolic incision of the genitals.<sup>27</sup>

## Migration and trafficking in West Africa

### *Migration*

There is a long history of economic and labor migration in West Africa. Already in pre-colonial times West Africa had long-distance trade routes. Some of the patterns of labor migration that emerged during the colonial period are still of relevance today, such as the migration of agricultural laborers from Mali and Burkina Faso to Côte d'Ivoire.<sup>28</sup> Consequently, networks that assist relocation from one place to another are strong. Labor migration has also shaped Guinea's past and present. Migrants come from Mali and other neighboring countries to the Guinean capital and mining

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<sup>24</sup> UNICEF, "Child protection from violence, exploitation and abuse: Child marriage," [http://www.unicef.org/protection/index\\_earlymarriage.html](http://www.unicef.org/protection/index_earlymarriage.html) (Accessed March 14, 2007); UNICEF, "At a glance: Guinea," [http://www.unicef.org/infobycountry/guinea\\_statistics.html](http://www.unicef.org/infobycountry/guinea_statistics.html) (Accessed March 15, 2007).

<sup>25</sup> Commission on Human Rights, "Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 2002/52. Addendum 1. International, regional and national developments in the area of violence against women 1994-2003," E/CN.4/2003/75/add1, February 27, 2003. <http://www.hri.ca/fortherecord2003/bilan2003/documentation/commission/e-cn4-2003-75-add1.htm> (Accessed May 9, 2007); Ministère de l'Enseignement Pré-universitaire et de l'Education civique, "Etude sur la violence scolaire et la prostitution occasionnelle des lycéennes et collégiennes dans les zones de Conakry, Kissidougou, et Nzérékoré," December 2005.

<sup>26</sup> A 1999 Demographic and Health Survey of 6,753 women in Guinea, reported in "Guinea: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)," US Department of State, Office of the Senior Coordinator for International Women's Issues, June 1, 2001, <http://www.state.gov/g/wi/rls/rep/crfgm/10101.htm> (Accessed May 16, 2007).

<sup>27</sup> Office of the Senior Coordinator for International Women's Issues, "Guinea: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)."

<sup>28</sup> Richard Black and Russell King, "Editorial Introduction: Migration, Return and Development in West Africa," *Population, Space and Place*, vol. 10, 2004, p.75-83; Inga Nagel, "Kinderhandel in Westafrika. Bericht einer Recherche zum Thema," *Terre des Hommes Deutschland* 2000.

areas, for example, in Mandiana and Siguiri in Upper Guinea and Fria and Boke in Lower Guinea. At the same time there has also been a flow of Guineans migrating elsewhere. Many Guineans migrated to Senegal and to Côte d'Ivoire during the colonial period and up to today. Furthermore, there has been significant rural-urban migration within Guinea.<sup>29</sup>

Migration of children, in particular, has a long tradition. Younger children have often been sent to live with relatives in the context of traditional child-fostering practices.<sup>30</sup> For adolescents, leaving the village and seeking economic independence has been an important rite of passage both in the past and present.<sup>31</sup>

Migration in West Africa has often been helped by the presence of similar ethnic groups across national borders. For example, the Bambara in Mali and the Malinke in Guinea are historically one group, and they speak the same language.

### *Trafficking*

While migration for jobs, education, or foster care is important, it can also lead to situations of exploitation and trafficking. Under international law, child trafficking consists of two elements: (1) the recruitment, transportation, transfer, harboring or receipt of the child; and (2) the purpose of exploiting the child. Exploitation can mean sexual exploitation; forced labor or services; slavery or practices similar to slavery or servitude.<sup>32</sup>

Trafficking of children for labor has increasingly become a problem in West Africa. Within the region, children are trafficked for domestic labor, agricultural labor, market labor and street selling and begging. Some children are also trafficked for prostitution and sexual exploitation. Most of the trafficking is done through small,

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<sup>29</sup> John A. Arthur, "International Labor Migration Patterns in West Africa," *African Studies Review*, vol. 34, no. 3, December 1991, p.65-87; Olivier Barbary, "Dakar et Sénégal, Evolution d'un espace migratoire transnational," Momar-Coumba Diop, ed., *Les Sénégal et ses voisins* (Dakar: Sociétés - Espaces - Temps 1994), p. 11, <http://tekrur-ucad.refer.sn/IMG/pdf/o7BARBARYSENEGALVOISIN.pdf> (Accessed March 29, 2007).

<sup>30</sup> Fafo Institute of International Studies, "Travel to Uncertainty. A study of child relocation in Burkina Faso, Ghana and Mali," Fafo report 440, Oslo 2004, <http://www.fafo.no/pub/rapp/440/440.pdf> (Accessed March 15, 2007).

<sup>31</sup> Sarah Castle and Aisse Diarra, *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage* (Bamako: Save the Children, UNICEF, 2004).

<sup>32</sup> For details, see Chapter IV on "The Legal Framework."

informal networks, including families and acquaintances, that might not even operate on a continuous basis. In addition, children are trafficked to the Middle East and Europe from some countries, in particular Nigeria.<sup>33</sup> Important trafficking routes in West Africa are from Benin and Togo to Gabon in Central Africa, and from Burkina Faso and Mali to Côte d'Ivoire.<sup>34</sup> Many children are also trafficked from neighboring countries into Nigeria.<sup>35</sup> In Guinea, in addition to internal trafficking, there has been cross-border trafficking between Mali, Sierra Leone, Liberia and Côte d'Ivoire, although the exact scale of the problem is difficult to determine.<sup>36</sup> In recent years, there have been significant efforts to combat trafficking in West Africa, though these efforts might have sometimes stopped the migration of young people. Another problem is that trafficking victims, returned to their homes, have not stayed there either, but have often left again in search of work.<sup>37</sup>

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<sup>33</sup> UNICRI, "Trafficking of Nigerian Girls to Italy, Report of Field Survey in Edo State, Nigeria," July 2003, [http://www.unicri.it/www/trafficking/nigeria/docs/rr\\_okojie\\_eng.pdf](http://www.unicri.it/www/trafficking/nigeria/docs/rr_okojie_eng.pdf) (Accessed March 30, 2007).

<sup>34</sup> Human Rights Watch, *Togo - Borderline Slavery. Child trafficking in Togo*, vol. 15, no. 8(A), April 2003; UNICEF Innocenti Research Centre, *Child Trafficking in West Africa. Policy Responses* (Florence: UNICEF Innocenti Research Centre 2002); Anti-Slavery International, "Synopsis of 1999 report on the trafficking of children between Benin and Gabon," undated, <http://www.antislavery.org/archive/other/trafficking-benin-synopsis.htm> (Accessed March 30, 2007); Plan International, "For the Price of a Bike." Child Trafficking in Togo, March 2005, <http://www.plan-uk.org/pdfs/childtrafficking.pdf> (Accessed March 30, 2007).

<sup>35</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2006," p.193-194, June 2006, <http://www.state.gov/documents/organization/66086.pdf> (Accessed April 17, 2007).

<sup>36</sup> Stat View International, "Enquête nationale sur le trafic des enfants en Guinée," 2003, p.5; US State Department, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2006," p.129-130.

<sup>37</sup> Mike Dottridge and Olivier Feneyrol, "Action to strengthen indigenous child protection mechanisms in West Africa to prevent migrant children from being subjected to abuse," May 2007. Unpublished paper.

## II. Recruitment into Domestic Work

Girls enter domestic work in a variety of ways. Though the explicit aim of the placement process is not always to use the girl for household work, in reality, they almost always end up doing domestic work. Many girl domestic workers experience labor exploitation as well as child abuse and neglect. Recruiters and employers are primarily responsible for this, but parents also neglect their duty to care for their child and monitor his or her well-being, even from a distance. Finally, the government fails to prosecute crimes against children and guarantee that their rights be fulfilled.

### Recruitment of girls from Guinea

In West Africa, children are often raised by close (uncle, aunt, grandparents) or distant extended-family relatives; this tradition is sometimes called child fostering, or in Francophone West Africa, *placement* or *confiage*.<sup>38</sup> While many such placements are done with relatives, parents also send their children to live with non-relatives, such as friends, godparents, acquaintances, or even complete strangers. Seventeen of the 32 Guinean girls interviewed indicated that they had been sent to their direct aunts and uncles. One had been sent to a cousin. The other 14 host families were not relatives.

### *Motives of parents*

Frequently, parents send their children to live with relatives when these relations live in a larger city. Parents in the rural areas often consider life in the city as easier, filled with more opportunities, even when their relatives in the city are poor. In particular, parents often hope that their children will get an education or vocational training in the city and hence get a good job later.<sup>39</sup> Indeed, general standards of health, nutrition and education are much lower in the rural areas than in the urban areas.<sup>40</sup>

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<sup>38</sup> Esther Goody, *Parenthood and Social Reproduction: Fostering and Occupational Roles in West Africa* (Cambridge: Cambridge University Press, 1982); Fafo Institute of International Studies, "Travel to Uncertainty"; Enda Jeunesse, "Migrations, confiage et trafic d'enfants en Afrique de l'Ouest," Dakar 2000, [http://eja.enda.sn/docs/jeuda\\_106.doc](http://eja.enda.sn/docs/jeuda_106.doc) (Accessed March 15, 2007); UNESCO, "Confiage scolaire en Afrique de l'Ouest."

<sup>39</sup> Fafo Institute of International Studies, "Travel to Uncertainty," p.15-18.

<sup>40</sup> According to UNICEF, 35 percent of the rural population are using improved drinking water sources, versus 78 percent in the urban areas. For these and other figures, see UNICEF, "At a glance: Guinea," [http://www.unicef.org/infobycountry/guinea\\_statistics.html](http://www.unicef.org/infobycountry/guinea_statistics.html) (Accessed March 15, 2007).

Many families have large numbers of children and find it impossible to adequately feed them all; this problem is accentuated by polygamy and limited access to family planning, which means that one man has several wives and even more children to provide for. One father explained:

I have three wives and many children. I sent one of my daughters to live with my younger sister. She is in Tamagali, in the prefecture of Mamou. The girl is 11 years old. I sent her at the age of five. I sent her because I have many kids, and my sister offered to help me by taking one of my children.<sup>41</sup>

However, poverty and underdevelopment are not the only factors at play. There is also a strong bias against girls' education and independence in the rural areas, which serves to "track" girls into the path of domestic labor. Girls are expected to perform domestic work and then marry at a young age. Sending girls away to do domestic labor becomes one of few "career paths" available.<sup>42</sup> Parents sometimes "offer" their child as a helper in a relative's house or when they are requested to do so. For example, they may do so when their relatives do not have a child, almost as a way of "adjust[ing] the demographic imbalance."<sup>43</sup>

More specifically, parents send girls to do domestic work when the relative does not have a daughter, as illustrated by the case of eight-year-old Mahawa B. from Forécariah who was sent to her uncle and aunt's village in the same prefecture. She told us, "My uncle asked my mother to send a daughter. He does not have any daughters. My father has many children."<sup>44</sup> Mahawa was then sent to her uncle to do domestic work and agricultural labor on the family's plantation. Both her parents and her uncle and aunt considered it normal that such work is done by a girl. Her three brothers were going to school; she and her sisters did not. By sending Mahawa

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<sup>41</sup> Human Rights Watch interview with father of girl domestic worker, Forécariah, February 7, 2007.

<sup>42</sup> Mike Dottridge, "Trafficking in children in West and Central Africa," *Gender and Development*, vol. 10, no.1, March 2002, p.38-42; Annababette Wils, Yijie Zhao and Ash Hartwell, "Looking Below the Surface. Reaching the Out-Of-School Children," CWP-02-01, 2006, <http://www.epdc.org/static/LookingBelowTheSurface.pdf> (Accessed March 28, 2007).

<sup>43</sup> Fafo Institute of International Studies, "Travel to Uncertainty," p. 9; Suzanne Lallemand, *La circulation des enfants en société traditionnelle. Prêt, don, échange* (Paris: L'Harmattan 1993).

<sup>44</sup> Human Rights Watch interview with Mahawa B., age 8, Forécariah, February 7, 2007.

to her relatives, her parents prioritized her work over her education, something that frequently happens to girls in Guinea.

Relatives also frequently asked for a girl to be sent when a baby was born, so that she could help rear the child. At the age of five or six, Dora T. moved from Norassaba in Upper Guinea to Conakry, a distance of 500 kilometers:

A woman [Dora's aunt] came looking for me; she wanted me to take care of her child. She promised that afterwards I would go to school or do an apprenticeship. But since I am there, the child has grown up, goes to school now, but not me. Up to now, it is me who does everything in the house.... My parents sent me here because the woman made the promise. My father is now very unhappy about the situation.... When we arrived in Conakry, I cleaned the house, washed the clothes of the children, got the nursery child ready for nursery and stayed with the baby at home. Now that I am older, things are worse. Before I could not do everything, I was too small [five or six years old]. Now, I do everything in the household, I do hard work at home. Initially I was in contact with my father. But since the last time when he came, he has not been in contact again, because he was angry [with his sister]. Once he came to get me and take me back to the village. But she ... pretended that she was already used to me, that she really loved me, she cannot stay without me. So she promised that now, she would put me into school. That was about three or four years ago.<sup>45</sup>

In still other cases, parents send their children to stay with relatives because there is a crisis in the family, such as divorce or illness.<sup>46</sup> When parents divorce, children either stay with their mother, or their father sends them to a female relative, typically his sister.<sup>47</sup> In this case, relatives are seen as doing a favor to the parents, and

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<sup>45</sup> Human Rights Watch interview with Dora T., age 14, Conakry, February 5, 2007.

<sup>46</sup> Fafo Institute of International Studies, "Travel to Uncertainty," p. 37.

<sup>47</sup> ONG ACEEF, "Etude sur le trafic et le travail domestique des enfants en Guinée, Rapport provisoire" (November 2005), p. 17-18, <http://www.crin.org/resources/infoDetail.asp?ID=6700&flag=report> (Accessed April 14, 2007).

“helping out” by taking in a child. Children were also sent to live with other families in the case of divorce. This happened to Justine K., who was sent to her aunt:

I came to Conakry as a young child after my parents divorced. My father sent me here from Kankan and gave me to my aunt. I have three other siblings, and they were all sent to other family members. Both my parents now live in Conakry, but my mom remarried, and I don’t see her anymore. My father didn’t remarry. At my aunt’s house, I was responsible for all household work, and I wasn’t paid. My aunt would beat me when she thought I hadn’t done something. Sometimes it was with a piece of wood, and other times with a broom.<sup>48</sup>

After being abandoned by her husband, Aminata Y. from the village of Madina in Forécariah prefecture sent her five-year-old daughter Rosalie to live with a family friend. She has seven children and found she was unable to care for them all. The friend who lived nearby had offered to help her. However, she made Rosalie work so hard that four years later, her mother took her back. She explained, “My friend was mean with the girl.”<sup>49</sup>

The illness of a parent is yet another factor which leads to child fostering. When parents become very ill and realize they might die, they often send their children to stay with relatives. There are an estimated 370,000 orphans in Guinea, about 8 percent of all children. These children include about 28,000 AIDS orphans.<sup>50</sup> This large number of orphans poses challenges for traditional systems of child fostering, as families may end up with more children than they can care for. Of the 32 Guinean girls interviewed by Human Rights Watch for this report, four were orphans and nine had lost one parent.<sup>51</sup> Two others had mothers that were permanently ill. Fourteen-year-old Fanta T. is among the orphans we interviewed; she told us:

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<sup>48</sup> Human Rights Watch interview with Justine K., age 18, Conakry, December 6, 2006.

<sup>49</sup> Human Rights Watch interviews with Aminata Y. and her daughter Rosalie Y., age 9, Forécariah, February 7, 2007.

<sup>50</sup> UNICEF, “At a glance: Guinea,” [http://www.unicef.org/infobycountry/guinea\\_statistics.html](http://www.unicef.org/infobycountry/guinea_statistics.html) (Accessed March 15, 2007).

<sup>51</sup> The numbers might be higher as some children had lost contact with their parents.

My mother died of diabetes. My father died too. My mother sold pepper on the market; my father was a car cleaner. When my mother fell sick, she sent me to stay with my father's younger brother. I was eight years old then. I cleaned the house, did the dishes, went to the market, cooked, and looked after the children.<sup>52</sup>

Brigitte M.'s mother died when armed groups from Sierra Leone attacked the border town Pamelap. Brigitte lived with her father who slid into a state of misery as his other children left, and one son died. She recounted how her father decided to send her off with a complete stranger:

One day a woman came to the weekly market nearby. I was at the market too. I had hurt myself on the foot, and I cried from pain. The woman found me and consoled me, and suggested to my father that she could look after me and send me to school. He agreed. So I went with her. I was about eight years old. I have not been in contact with my father since. I don't know if he is still alive.<sup>53</sup>

As this case indicates, sometimes girls were sent to live with people unknown to the parents; in other cases girls were sent to family friends or powerful patrons.<sup>54</sup> At the age of 13, Angélique S. was sent by her family to live with their landlords, in a relationship that was reminiscent of feudal times. Her parents and older siblings are agricultural laborers on a plot of land; the owners do not pay them a salary but allow them to live there and keep enough rice and salt from the land for their own consumption.<sup>55</sup> She told us about her sister's and her own experience of being pressured to do domestic work without pay:

The people where I do domestic work own a plantation in our village. My parents work on this plantation, and guard it in their absence. My older sister went with these people to Conakry and did domestic work

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<sup>52</sup> Human Rights Watch interview with Fanta T., age 14, Conakry, December 8, 2006.

<sup>53</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>54</sup> Human Rights Watch interview with Laure F, age 18, Conakry, December 8, 2006.

<sup>55</sup> Human Rights Watch interview with brother of Angélique S., Fokoufokou near Forécariah, February 7, 2007.

for them. She found them mean and left. She was then placed with the daughter of the lady, to look after her baby twins.... She was often beaten and insulted. Finally, our brother went there and took her back home. Then they asked my mother to send me. But I did not want that because my older sister already had a bad experience. So I was sent to the mother instead. But she had the same bad attitude. My mother told me that I would have to stay there until God helped me.<sup>56</sup>

According to her brother, the family was happy to send Angélique to Conakry because “there are no options here for her, here is nothing, neither school nor job—the only thing she can do here is find a husband.”<sup>57</sup> He also explained that the owner’s wife is Angélique’s namesake, which he considered to be like a godparent. According to the brother, “We knew that one day they would take [Angélique] to Conakry.” Although they promised that they would send the girl to school, this has not happened. However, Angélique has recently found an apprenticeship in tailoring, through the help of a local organization working with child domestic workers, Action Against Exploitation of Women and Children (Action Contre l’Exploitation des Enfants et des Femmes, ACEEF).

### *Motives of girls*

Most girls are sent to host families at such a young age that they do not express any desire or make the choice to go themselves. Rather, it is likely that many of these younger children suffer from the sudden separation from their parents and other close relatives. However, some girls interviewed by Human Rights Watch said that they were keen to seek out such work opportunities. They often felt that they should do so to contribute to their family’s low income. For example, Thérèse I. left her family at the age of 12 in Boke to earn money in Conakry:

A woman came and was looking for a domestic for her sister. The woman was a stranger to me. My mother did not want me to go but I wanted to earn money. So I came together with the sister to Conakry....

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<sup>56</sup> Human Rights Watch interview with Angélique S., age 15, Conakry, December 7, 2006.

<sup>57</sup> Human Rights Watch interview with brother of Angélique S., Fokoufokou near Forécariah, February 7, 2007.

I would like to leave, but my mother is not in Boke any more. She has gone to Guinea-Bissau. And I don't know where she is.<sup>58</sup>

Some adolescent girls also seek positions as domestic workers of their own volition. Francine B. from Conakry decided at the age of 16 to seek work because she was an orphan and had only limited support at the house of her sister, where she lived. Through an acquaintance of her brother, she found a Lebanese-Guinean couple who employed her as a nanny.<sup>59</sup>

### *Recruitment methods*

When parents sent their daughter to stay with a relative, contact was easily made. When girls were not placed with direct relatives, contact with the host family often occurred through connections in the village or area. For example, parents sometimes placed girls with neighbors or people living nearby. When the host family moved away, the girl went with them. Parents also frequently sent their daughters to live with families from the same ethnic group or even village, and with whom they felt a connection even if there was no family relation or prior contact. Thirteen-year-old Sylvie S. from Kindia prefecture explained how this worked for her:

When I was small, a woman came to the village and asked for a child to be placed with a family in Conakry. I am not related to her. She was an acquaintance of a relative. I was placed in the family. The husband is a mason. There are no other children in this family. First when I came I did small things. I cooked and cleaned. Now I work a lot and I am not paid.<sup>60</sup>

Other girls were recruited by women recruiters who visited their villages and negotiated a girl's placement and terms with her parents. In some cases, the girls then worked for these women. In other cases, the women recruiters acted as

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<sup>58</sup> Human Rights Watch interview with Thérèse I., age 14, Conakry, December 8, 2006.

<sup>59</sup> Human Rights Watch interview with Francine B., age 18, Conakry, December 7, 2006.

<sup>60</sup> Human Rights Watch interview with Sylvie S., age 13, Conakry, December 7, 2006.

intermediaries for a relative or friend who was seeking a child domestic worker. Georgette M. from Lola in the Forest Region of Guinea remembered:

I came two years ago. The tutrice is a teacher. My mother gave me to the woman. They are not part of the family. The woman's younger sister had come to Lola to find a domestic worker, and she took me back with her to Conakry. The mother of the lady [tutrice] is from Lola as well. My parents are farmers. I am not sure why my mom sent me here.... Sometimes my mum writes to me. My tutrice buys things and sends them to my parents. For example she sends shoes or clothes. She does that every month and explains that herself to me. She has never given me a salary.<sup>61</sup>

[image]

Girl domestic worker in Conakry. © 2007 Susan Meiselas/Magnum Photos

In Conakry, several women act as recruiters. They place girls from their home region with families in the capital. Girls may arrive in Conakry and go to such a woman on their own initiative and stay there until they find a placement.<sup>62</sup> A representative of the Ministry of Social Affairs observed:

It is easy to become an intermediary. You just place five girls from your village and that makes you an intermediary.<sup>63</sup>

In Middle and Upper Guinea, local NGOs have also reported the presence of intermediaries who send larger numbers of children into domestic service.<sup>64</sup>

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<sup>61</sup> Human Rights Watch interview with Georgette M., age 16, Conakry, December 7, 2006.

<sup>62</sup> Human Rights Watch interview with Ramatoulaye Camara, Director of Children at Risk Unit, Ministry of Social Affairs, Conakry, December 7, 2006.

<sup>63</sup> Ibid.

<sup>64</sup> Human Rights Watch interview with Nanfadima Magassouba, head of the Guinean National Coalition for women's rights and citizenship (*Coalition nationale de Guinée pour les droits et la citoyenneté des femmes*, CONAG), and staff member, Conakry, February 9, 2007; Email communication from Sabou Guinée, April 13, 2007.

## *The tutrices*

Employers are mostly women from the urban middle classes. They tend to demand a girl from their poorer relatives in the countryside, or send intermediaries to find a girl in the home village or in Conakry.<sup>65</sup> Ironically, increased levels of education and employment among middle class urban women in Guinea and other parts of West Africa have led to a higher demand for domestic workers.<sup>66</sup> Nowadays, many African women in the city have a job and want cheap help at home to look after their children and the household. Rather than employing adults who are more likely to demand a salary, they use girl domestic workers. However, some host families are also poor and live in rural areas, particularly when the arrangement happens within the family.

## **Recruitment of girls from Mali**

Across West Africa, girls have increasingly tried to leave their villages and seek work elsewhere. Adolescent girls from Mali sometimes work in neighboring countries, including Guinea, Côte d'Ivoire, and Senegal. In Mali and other Sahel countries, the coastal regions are considered wealthier and have therefore become popular destinations. Migrant girls usually work for employers with whom they have no family relation. Migration has given these girls the opportunity to experience urban life, learn new languages, and accumulate their own possessions. Girls in particular have often traveled to accumulate goods for their dowry.<sup>67</sup> This type of migration by adolescents is generally more self-directed by the child than *confiage*, even though some parents might give their consent to their child's departure, or even be involved in the process of organizing travel and work. For example, many children and young adults migrate from Burkina Faso, Mali, and other countries in the region to work in the cacao plantations of Côte d'Ivoire, even though the war and climate of xenophobia against people from the north have reduced the migration flow.<sup>68</sup>

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<sup>65</sup> Human Rights Watch interview with Ramatoulaye Camara, Director of Children at Risk Unit, Conakry, Ministry of Social Affairs, December 7, 2006.

<sup>66</sup> Dottridge, "Trafficking in children in West and Central Africa," p.39.

<sup>67</sup> Castle and Diarra, *The International Migration of Young Malians*, p.22-45, p.154-164.

<sup>68</sup> Nagel, "Kinderhandel in Westafrika"; Anti-Slavery International, "The Cocoa Industry in West Africa. A History of Exploitation" (London: Anti-Slavery International 2004), <http://www.antislavery.org/homepage/resources/cocoa%20report%202004.pdf> (Accessed April 20, 2007). In Côte d'Ivoire, people from the northern part of the country and from northern neighboring states are often accused of supporting rebels in the north. See Human Rights Watch, "Because they have the guns... I'm left with nothing." *The Price of Continuing Impunity in Côte d'Ivoire*, vol. 18, no. 4(A), May 2006., <http://hrw.org/reports/2006/cotedivoire0506/cotedivoire0506web.pdf>.

### *Motives of girls*

Malian girls often migrate to the capital Bamako, but also to neighboring countries including Guinea to assemble their dowry (*trousseau de mariage*). The dowry often consists of kitchen utensils, clothes and jewelry, which is, upon her engagement, given to the family of the future husband. This is not a new phenomenon, but the number of girls migrating seems to have risen, and girls are now migrating further away. Studies in Mali and Burkina Faso have shown that peer pressure to assemble precious and original items for the dowry has risen tremendously throughout the region.<sup>69</sup> As girls have traveled afar and come back with new items for their dowry, others have felt the need to do so too. After a period of work they return and get married.<sup>70</sup>

However, not all girls leave to get their dowries. Some girls leave simply because they want a degree of independence, and they want to obtain material possessions, such as clothes and bicycles. Others might leave for the dowry, but end up rejecting the husband proposed to them, and seek greater independence. This is what happened to Carine T. when she left Bamako:

A woman called Fatoumata told me she could help me to come to Conakry.... [At that time] I worked as child domestic worker for a woman [in Bamako]. I was 15 years old then. She was the friend of Fatoumata's. Fatoumata is a trader and sometimes stayed with this woman when visiting Bamako.... So I went to Conakry with the help of Fatoumata. Fatoumata placed me with a family of a customs official.... The woman for whom I worked said she would pay my transport if I stayed for two years. If you do not stay for two years we will have to subtract this from your salary. I worked there for two years.... The woman paid money to Fatoumata.... Fatoumata took 20,000CFA [about US\$27] off it for transport. I was not paid directly. The woman gathered it all up and gave it to Fatoumata at the end. She gave me the rest, 880,000CFA [about \$1200].... After the two years, I bought fabric with

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<sup>69</sup> Castle and Diarra, *The International Migration of Young Malians*, p.22-24; Terre des Hommes, "Les filles domestiques au Burkina Faso: traite ou migration? Analyse de la migration laborieuse des enfants de la province du Sourou au Burkina Faso," 2003, p. 12.

<sup>70</sup> Human Rights Watch interview with Berdougou Moussa Koné, Consul at the Malian embassy in Guinea, Conakry, February 5, 2007; Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

the money and returned to Sélingué. But I did not stay for a long time because I was supposed to get married to a man who I did not want to marry. My father chased me away. So I went back to Conakry.<sup>71</sup>

Several other girls had initially gone to Bamako for domestic work and then met women who told them that they could earn more money in Conakry. Seventeen-year-old Florienne C. recounted her experience:

I met a woman called Agios, a Guinean living in Bamako. She told me she could get me a job for 25,000 Francs [Guinean Francs, GNF, about \$4.16] a month. So I traveled with her and three other girls to Conakry. This was in 2002 and I was 12 years old. When I arrived here, I was sent to work in Madina [a neighborhood of Conakry].<sup>72</sup>

Malian child domestic workers in Conakry have come from different areas, but in recent years, a large number of girls have come from the Sikasso area in southern Mali, in particular Selingué.<sup>73</sup> The departure of many girls from Selingué is partly explained by its proximity to the Guinean-Malian border. But it might also be explained through peer pressure and peer influencing. As more girls leave the village and later return with money, dowry prices rise, and other girls are motivated to leave.<sup>74</sup>

### *Methods of recruitment*

According to Human Rights Watch interviews with victims, Malian girls are often recruited by female Guinean or Malian intermediaries in Bamako who convince them that if they work in Conakry, they will earn more and lead a better life than they do in Mali. The actions of some of these women might amount to trafficking, when they make false promises, place the girls knowingly with exploitative and abusive employers and keep some of the girls' money.

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<sup>71</sup> Human Rights Watch interview with Carine T., age 22, Conakry, February 8, 2007.

<sup>72</sup> Human Rights Watch interview with Florienne C., age 17, Conakry, February 8, 2007.

<sup>73</sup> Human Rights Watch interview with Berdougou Moussa Koné, Consul at the Malian embassy in Guinea, Conakry, February 5, 2007; Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

<sup>74</sup> Something similar has occurred in Burkina Faso, where in some villages most girls have left. See Terre des Hommes, *Les filles domestiques au Burkina Faso*.

According to members of the Malian community, girls are frequently recruited in the Oulofoulogou and Medina Corah neighborhoods of Bamako. Several women—Maliens and Guineans—are well-known in the community for their role as intermediaries between Malian girls and Guinean *tutrices*.<sup>75</sup> The girls are frequently sent in groups to Conakry. According to Carine T.:

Fatoumata [pseudonym] sends many girls. She is based in Siguiri. She takes goods from there and sends them to Bamako. She recruits through some girls' friends she has in Bamako. She tells her friends she is looking for girls. The friends go from door to door, and some parents accept to send their daughters. Afterwards she goes into the streets and approach groups of girls.... When she comes back to Conakry she takes back girls with her, from the train station. Then she distributes them to families.<sup>76</sup>

Two girls, Vivienne T. and Mariame C., told us that they were approached by a woman who got them interested by saying that they could earn a lot of money in Conakry. She frequently sent girls from Bamako to Guinea, and worked with a driver who took the girls there. Vivienne was 16 and Mariame was 14 years old when they were recruited by the woman in Bamako.<sup>77</sup>

A list<sup>78</sup> of seven Malian domestic workers in Conakry who arrived between September 2002 and November 2003 identified two women intermediaries who had sent these girls. According to a member of the Malian community, these women were well-known for their activities.<sup>79</sup>

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<sup>75</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007; Human Rights Watch interview with female member of the High Council of Malians, Conakry, December 8, 2007.

<sup>76</sup> Human Rights Watch interview with Carine T., age 22, Conakry, February 8, 2007.

<sup>77</sup> Human Rights Watch interviews with Vivienne T., age 17, and Mariame C., age 15, Conakry, February 8, 2007.

<sup>78</sup> List of seven cases of Malian domestic workers in Conakry, September 2002–November 2003, on file at Human Rights Watch.

<sup>79</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007. The government commissioned study on trafficking also identified a girl who had met a woman at the Bamako bus station, and who took her together with two other girls to Siguiri and then Conakry for domestic labor and work in restaurants. Stat View International, "Enquête nationale sur le trafic des enfants en Guinée," p.16.

However, in recent years, some intermediaries seem to have either reduced their activities, or they are operating more clandestinely. They tend to operate from Guinea rather than Mali, apparently because the Malian government scrutinizes their activities. One woman has allegedly reduced her work due to pressure from the Malian community in Guinea; another one has allegedly gone underground.<sup>80</sup>

### *The tutrices*

Most families employing Malian girls are based in Conakry, and belong to the urban middle classes. Our research found cases of Malian girls working for a judge,<sup>81</sup> a border official, a pharmacist, a taxi driver and a businessman.<sup>82</sup> According to a Malian living in Conakry, Malian girls are considered more reliable and “controllable” than Guinean child domestic workers.<sup>83</sup>

## **Recruitment of refugee children from the region**

In addition to the patterns of migration mentioned above, many children have crossed borders to escape violence or war. As a result of armed conflicts in neighboring Liberia and Sierra Leone, Guinea has hosted hundreds of thousands of refugees within its borders during the past decade. At the height of the crisis, more than half a million refugees lived within its borders.<sup>84</sup> As the situation in those countries has stabilized, most of the refugees have returned; but others, including those who came as children, have stayed and found employment in Guinea. In recent years, refugees from Côte d’Ivoire have also sought protection in Guinea. At present, there are about 30,000 refugees in Guinea, according to the UN High Commissioner for Refugees (UNHCR).<sup>85</sup> Refugee children are in a vulnerable situation,

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<sup>80</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007; Human Rights Watch interview with Carine T., age 22, Conakry, February 8, 2007.

<sup>81</sup> Human Rights Watch interview with expatriate living in Conakry, December 5, 2006.

<sup>82</sup> Human Rights Watch interviews with Malian girls, Conakry, February 8, 2007.

<sup>83</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

<sup>84</sup> Human Rights Watch, *Forgotten Children of War: Sierra Leonean Refugee Children in Guinea*, vol. 11, no. 5(A), July 1999, <http://www.hrw.org/reports/1999/guinea/>, p.14-15.

<sup>85</sup> UNHCR, “Guinea: Second repatriation convoy this week to Liberia,” February 23, 2007, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/JBRN-6YPKF6?OpenDocument&rc=1&cc=gin> (Accessed March 19, 2007).

particularly when they are separated from their parents. Many refugee children have become victims of labor exploitation, including as domestic workers.<sup>86</sup> For example, Julie M. from Sierra Leone was sent by her mother to Conakry when she was about seven years old, so she would escape the consequences of armed conflict in her home country. Her mother placed her with an acquaintance, where the girl worked as child domestic worker.<sup>87</sup> Eight-year-old Jacqueline C. is from Côte d'Ivoire and fled the war there with her mother and siblings. She was taken in by a well-meaning Guinean woman who explained that she and others took in individual members of refugee families. While Jacqueline C. is going to school, she is also spending most of her time doing domestic work.<sup>88</sup>

## Risks connected to travel

Guinean and Malian girls face risks when they travel to seek work. They often travel with persons whom they don't know very well, but upon whom they are dependent during the duration of the trip. When 16-year-old Marianne N. left Conakry for Monrovia by bus, she was supposed to meet the brother of her neighbor, who would help her find work. But he did not turn up and she was stranded:

My neighbor thought her brother could help me find work. She took me to the bus station and called the brother. But when I arrived in Monrovia I did not find the brother. So the bus driver found a friend who hosted me. I stayed with him and he forced me to have sex with him. He told me otherwise he would kick me out.<sup>89</sup>

Susanne K. traveled by herself to Conakry after her parents died. She found herself in an equally vulnerable position:

I am from Kolifora near Bofa, in Lower Guinea. I am told I am about 14 years old. My dad was an Arabic teacher at a Koranic school and my

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<sup>86</sup> Human Rights Watch, *Forgotten Children of War. Sierra Leonean Refugee Children in Guinea*, p.26-31.

<sup>87</sup> Human Rights Watch interview with Julie M., age 13, Conakry, February 8, 2007.

<sup>88</sup> Human Rights Watch interview with Jacqueline C., age 8, Forécariah, February 7, 2007; and with guardian of Jacqueline C., Forécariah, February 7, 2007.

<sup>89</sup> Human Rights Watch interview with Marianne N., age 16, Conakry, December 6, 2006.

mum a street seller. My dad died of something that caused pain in the belly, and my mother died shortly after. I left the village after my parents died. I was about six or seven. I had no money and made my way to Conakry by going with truck drivers. First I tried to go by foot, but I was very hungry. So I was forced to go with men who wanted to have sex with me.<sup>90</sup>

Traffic accidents are a serious problem in West Africa, particularly for poor persons traveling on cheap transport. The 2003 death of two Malian girls en route to Conakry for child domestic work highlighted this problem dramatically. Sata Camara, 15 years old, and 14-year-old Fati Camara (their real names) died on the spot. Five other girls between the ages of 12 and 18, also in the car, were injured.<sup>91</sup> After the car accident, the Malian community in Guinea mobilized against trafficking and exploitation of children.

Most girls from Mali cross the border without proper documentation. They rely on the intermediaries to organize the paperwork for them, and become dependent on them in that way. Intermediaries may bribe border officials in the absence of correct documentation—for children, this would include both an identity card and parental travel authorization.<sup>92</sup>

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<sup>90</sup> Human Rights Watch interview with Susanne K., age 16, Conakry, December 6, 2006.

<sup>91</sup> “Le voyage fatal,” *Le Lynx*, Conakry, No. 612, December 15, 2003; Human Rights Watch interview with female member of the High Council of Malians, Conakry, December 8, 2007.

<sup>92</sup> Human Rights Watch Interview with Michèle T., age 20, Conakry, February 8, 2007; Stat View International, “Enquête nationale sur le trafic des enfants en Guinée,” p. 18-19.

### III. Life of Girl Domestic Workers in Lower Guinea

According to a recent ILO study on child labor in Guinea, based on interviews with 6,037 children, domestic labor is by far the biggest employment sector for children. Of working children 61.4 percent are domestic workers. The majority of them are girls.<sup>93</sup> Based on the relative (percentage) figures given in the study, about 1.2 million girls in Guinea are doing domestic work, including those who work for their own parents. The vast majority of children indicated that their work place is their home; it is likely that children working for relatives or other de facto guardians described their work place as the home, too.<sup>94</sup> Neither the government nor U.N. agencies have absolute figures on the number of girl domestic workers in Guinea.<sup>95</sup>

Once girls have arrived at their new host family, the harsh life of a child domestic worker starts. This is particularly the case for the vast majority who live with their employers. Many experience labor exploitation as well as child abuse and neglect. Girl domestic workers interviewed by Human Rights Watch described working excessive hours, carrying heavy weights at a young age, working for no pay, starving while the host family eats, and being insulted, shunned, beaten, sexually harassed and raped.

This is not the case for all girl domestic workers. Living and working away from the family can be a positive experience. Ten-year-old Christine C. prefers living with her cousin in Conakry to living with her mother in the village. She explained:

I was in the household of my cousin in Conakry. I went there when I was small. When my cousin got married, she asked for a girl to be sent to her and help her. So I was sent. When I lived with her, I cleaned the courtyard, fetched water, did the dishes, and washed the laundry. I was well taken care of. They did not have many things; my mom even had to send clothes from here.... My cousin put me into school up to

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<sup>93</sup> Guinée Stat Plus / BIT, "Etude de base sur le travail des enfants en Guinée," p.7-8. p.49.

<sup>94</sup> Guinée Stat Plus / BIT, "Etude de base sur le travail des enfants en Guinée," p.52-53.

<sup>95</sup> Human Rights Watch interviews with Ministry of Social Affairs and UNICEF officials, December 2006.

second grade. Then I had to go back to my mother. I had to come back because my mum needed a girl at home. I came back when I was eight or nine years old. My mother is old. I would like to go back to Conakry.... I want to go to school with my girlfriends again.<sup>96</sup>

Indeed, child fostering can be useful for economic survival, education and socialization. These systems can work well when there is a viable social network of persons monitoring the child's well-being.

Certain factors increase a child's vulnerability, and hence the risk of abuse. Girl domestic workers tend to be vulnerable to abuse due to their gender, the absence of their biological parents, and their background from mostly poor rural families. If they do not have at their disposal networks of support, such as continued contact with their parents and integration into other social networks, they are at greater risk of abuse.<sup>97</sup> While studies in Africa have indicated that foster children and other non-related children are particularly likely to be kept out of school and experience abuse,<sup>98</sup> biologically-related children are not necessarily shielded from neglect and violence by their parents either.<sup>99</sup>

## The double role of employer and guardian

The adults who employ and host girls as domestic workers have a double responsibility as employer and as de facto guardian of a child in their care.

As employers, they have to respect the labor rights of the girls. Children under 15 should not be employed at all; those over the age of 15 have the right to a fair wage,

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<sup>96</sup> Human Rights Watch interview with Christine C., age 10, Forécariah, February 7, 2007.

<sup>97</sup> Fafo Institute of International Studies, "Travel to Uncertainty," p.7-11.

<sup>98</sup> Human Rights Watch, *Letting them Fail. Government Neglect and the Right to Education for Children Affected by AIDS*, vol. 17, no. 13(A), October 2005, <http://hrw.org/reports/2005/africa1005/africa1005.pdf>; UNESCO, "Confiage scolaire en Afrique de l'Ouest, Background paper prepared for the Education for All Global Monitoring Report," 2004/ED/EFA/MRT/PI/58, 2003, <http://unesdoc.unesco.org/images/0014/001468/146879f.pdf> (Accessed March 15, 2007), p.22-25; Sonia Bhalotra, "Child Labor in Africa," OECD Social, Employment and Migration Working Papers, 4, April 2003, <http://www.oecd.org/dataoecd/28/21/2955692.pdf> (Accessed May 4, 2007).

<sup>99</sup> Paulo Sérgio Pinheiro, *World Report On Violence Against Children* (New York: United Nations 2006), [http://www.violencestudy.org/IMG/pdf/3\\_World\\_Report\\_on\\_Violence\\_against\\_Children.pdf](http://www.violencestudy.org/IMG/pdf/3_World_Report_on_Violence_against_Children.pdf) (Accessed May 7, 2007), p.45-107.

limited working hours, decent working conditions such as proper accommodation, nutrition and health care, rest during the day, weekly rest days and holidays.<sup>100</sup>

But the role of the host family goes beyond respecting the labor rights of the child. When adults decide to take in a girl as a domestic worker, she is effectively in their care, and they become de facto guardians with the responsibility to respect her rights.

### **Labor exploitation of girl domestic workers**

Some girls become domestic workers so early that they cannot remember the age at which they started. Most of the 40 girls interviewed for this research started domestic work under the age of eight.

Under Guinean law, the general rule is that children under the age of 16 should not be employed and therefore cannot lawfully enter into an employment contract. However, Guinea law makes provision for those under 16 to be lawfully employed if their parents or legal guardians give consent. Such a “claw back” clause in the law effectively undermines any meaningful protection for children under 15, particularly girls who are often sent by their parents to work as domestic workers.<sup>101</sup>

Whether a girl is over 16, or under 16 and her parents have consented to her employment, where she is required to work full-time in the household beyond what may be reasonably considered light household chores, and even where such work is not coerced, a de facto employment relationship exists. All girls so employed must be afforded their full labor rights. At present, girls of all ages suffer labor exploitation, some of which amounts to forced labor.

#### *Crude exploitation: Work for no or little pay*

A recent study of child labor in Guinea by the International Labor Organization (ILO), based on interviews with over 6000 children, also found that “many children work

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<sup>100</sup> Minimum Age Convention, art. 2, <http://www.ohchr.org/english/law/ageconvention.htm> (Accessed March 21, 2007). Guinea ratified the Minimum Age Convention on June 6, 2003. See also Chapter IV on “The Legal Framework,” below.

<sup>101</sup> For details, see also Chapter IV on “The Legal Framework,” below.

but few are paid.” The study found that 6.8 percent of boys and 5 percent of girls were paid. Children living in Conakry and those over 15 had slightly higher chances of getting paid.<sup>102</sup>

Most girls interviewed in the course of our research received no salary. Even those who had been promised a salary and given a specific figure frequently did not get paid. Of 40 Guinean and Malian girls interviewed, only ten had received any salary. Of those, five had had jobs in which they were paid the agreed salary in a regular manner; the other five were promised the salary but were only paid at the start, irregularly, or only part of the promised money. Four of the five who did get a regular wage had also held jobs in which they were not paid, irregularly paid, or paid less than had been agreed, including through payment in kind. Usually, girl domestic workers did not have a written contract.

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<sup>102</sup> Guinée Stat Plus/ Bureau International du Travail, “Etude de base sur le travail des enfants en Guinée,” p.56. Children subjected to the worst forms of child labor also had a better chance of getting paid. For the definition of “worst forms of child labor,” see Chapter IV on “The Legal Framework.”

### Salaries for 40 girl domestic workers in Guinea (\$1 = about 6000GNF, as of May 2007<sup>103</sup>)

| Monthly salary                                  | Number of girl domestic workers <sup>104</sup> | Number that received a regular salary |
|-------------------------------------------------|------------------------------------------------|---------------------------------------|
| None                                            | 30                                             | --                                    |
| Below GNF20,000<br>(=about \$3.33)              | 5                                              | 1                                     |
| GNF20,000 –<br>50,000 (=about<br>\$3.33 – 8.33) | 2                                              | 2                                     |
| Above GNF50,000<br>(more than about<br>\$8.33)  | 3                                              | 2                                     |
| <b>Total</b>                                    | <b>40</b>                                      | <b>5</b>                              |

In many cases, there were no discussions about salary at all. A girl was simply sent to work as child domestic worker for some of the reasons explained above.<sup>105</sup> When girls were placed with relatives or other people at a young age, their labor was not considered work worthy of pay; it was just seen as their contribution to family life. In many cases the girls themselves did not ask for a salary and even seemed surprised about the question. Parents and the employers themselves often defined the situation more in terms of child fostering; they did not look at it as child labor. Even when there was a salary paid, the girl was usually not involved in salary negotiations, rather she was told that she was going to get a certain amount. This was the case of 14-year-old Liliane K., who even sent some of her meager income to her mother:

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<sup>103</sup> This the de facto exchange rate in Guinea, due to inflation. The official exchange rate cited by [www.xecom](http://www.xecom) is US\$1 to GNF3430.25, <http://www.xe.com/ucc/convert.cgi> (Accessed May 9, 2007). This report uses the realistic exchange rate of US\$1 to GNF6000.

<sup>104</sup> When girls had multiple jobs, this table shows the highest salary range they received. For example, Michèle T. had two jobs; she was not paid in the first job but received 75,000GNF in her second job and is therefore here represented in the category “above 50,000GNF.”

<sup>105</sup> See Chapter I, “Poverty and economic crisis” and “Gender roles and unequal access to education.”

I am from Kissidougou. My father died.... My mother gave me to a woman who was our neighbor. My mother did not have a choice because she did not have money to look after her children. Because of the war, the neighbors wanted to leave Kissidougou and go to Conakry. My mother is still in the village. I was about nine when I arrived here in Conakry. I should normally get GNF10,000 [about \$1.60] per month, but sometimes I only get 5,000 or 7,000.... The tutrice says sometimes that she does not have enough money to pay me.... I send some money to my mother. I give it to people who are going to the village. Since I am here, I have been told that my mother suffers a lot. I have never seen my mother or been in contact with her since I came here.<sup>106</sup>

Child domestic workers can never be sure they will get the promised salary. Justine K. was sent to live with her aunt in Conakry at a young age, but started to work for another family as child domestic worker to escape her situation:

I heard that a family was looking for a girl domestic worker. They offered GNF10,000 [about\$1.60] per month.... At the outset, I told them to keep my salary and give it to me every four months. But after the first year, they stopped giving me money and said they would send it to my parents instead. I don't even think they knew my parents, and my parents told me they never received the money.<sup>107</sup>

Older girls are slightly more likely to get paid. The ILO found this in its larger study, and it was also the case among the 40 girls interviewed by Human Rights Watch. Six girls interviewed had started working as child domestic workers at the age of 15 or older; five of them had received salaries. For example, Francine B., who found work with a Lebanese-Guinean couple, was paid GNF25,000 (about \$4.16) on a regular basis.<sup>108</sup> Malian girls also sometimes managed to get jobs where they got a regular salary. In 2002-2003, the High Council of Malians drew up a list of seven Malian girl

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<sup>106</sup> Human Rights Watch interview with Liliane K., age 14, Conakry, December 8, 2006.

<sup>107</sup> Human Rights Watch interview with Justine K., age 18, Conakry, December 6, 2006.

<sup>108</sup> Human Rights Watch interview with Francine B., age 18, Conakry, December 8, 2006.

domestic workers in Conakry; they all received GNF7,500 (about \$1.25).<sup>109</sup> Three of the Malian girls interviewed at some point received between GNF50,000 and GNF75,000 (about \$8.30 and \$12.50) and were paid regularly.<sup>110</sup> However, these three girls had only arrived at these jobs after having been exploited with no pay in previous jobs, and having received some help from fellow Malians to leave these jobs and find better positions. Nadine T., an 18-year-old Malian domestic worker, explained:

I came to Conakry two years ago. I met a woman at Bamako, Tigira Conde. She said it is good in Conakry. You can earn good money, and go dancing and have fun in Conakry. She sent me to work somewhere for six months. But I did not get a salary. I don't know if Tigira Conde got any money.... I am now working elsewhere and doing fine there. I am paid GNF75,000 there.<sup>111</sup>

The Malian community is aware of these problems and has frequently intervened to assist the girls get their salary. In one such case, a young woman in her early twenties was assisted by members of the Malian community to get her salary for about eight years she had worked as child domestic worker without pay. The employer finally paid about GNF800,000 to the woman.<sup>112</sup> The Malian High Council has even demanded salary payments when girls were employed below the legal minimum age. In 2004, the High Council of Malians in Guinea identified two such girls, aged, 12 and 13, who had worked as child domestic workers without pay. Leading members of the High Council went to see the employers of these girls; as they refused to pay them, the High Council of Malians threatened to take the family to court. The salary was found to be about GNF800,000 (about \$120). The *tutrice* eventually paid half of what was owed to the girls.<sup>113</sup>

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<sup>109</sup> List of seven cases of Malian domestic workers in Conakry, September 2002–November 2003, on file at Human Rights Watch.

<sup>110</sup> Human Rights Watch interviews with Carine T., age 22, Nadine T., age 18 and Vivienne T., age 17, Conakry, February 8, 2007.

<sup>111</sup> Human Rights Watch interview with Nadine T., age 18, Conakry, February 8, 2007.

<sup>112</sup> Human Rights Watch interview with young Malian woman in Conakry, February 9, 2007.

<sup>113</sup> Human Rights Watch interview with female member of the High Council of Malians, Conakry, December 8, 2007.

### *Payments for intermediaries*

In some cases, intermediaries who had recruited a girl from Mali received a portion or all of the salary. Florienne C., whose case is mentioned above, was exploited in that way. She had been told by her intermediary that she could earn GNF25,000 (about \$4.16) in Conakry. When she arrived this did not happen:

I worked as domestic worker for one year and three months.... At the end, my tutrice paid the money to the woman in Madina [the intermediary], and she took my money. It was GNF385,000 (about \$64). The woman [intermediary] just refused to give me the money. I was sent elsewhere. But after one month I was dismissed. Then, I worked for two years at one place. When my father died, I returned home.... I wanted to have my salary from the two years, but the tutrice decided to pay me in kind.<sup>114</sup>

Other members of the Malian community confirmed that intermediaries took some of the money paid for the service of child domestic workers.<sup>115</sup> According to a Malian girl living in Conakry, they are supposed to take half of the salary and give the other half to the girl herself.<sup>116</sup>

Most Guinean girl domestic workers interviewed did not know whether intermediaries received any money. However, in two cases the girls knew that their employer was sending money to the person who had sent them. Berthe S., 17 years old, lived with her aunt who sent her to do domestic work at the neighbor's. Her aunt received Berthe's monthly salary of GNF30,000 (about \$5). In addition, the girl has to do domestic work at her aunt's place.<sup>117</sup> The host of Georgette M. from the Forest Region, whose case is described above, regularly sent shoes or cloth to her mother back in the village.<sup>118</sup>

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<sup>114</sup> Human Rights Watch interview with Florienne C., age 17, Conakry, February 8, 2007.

<sup>115</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

<sup>116</sup> Human Rights Watch interview with young Malian woman in Conakry, February 9, 2007.

<sup>117</sup> ACEEF interview with Berthe S., Forécariah, age 17, February 7, 2007.

<sup>118</sup> Human Rights Watch interview with Georgette M., age 16, Conakry, December 7, 2006.

There seem to be well-established networks of intermediaries who make money by placing Guinean children as domestic workers. According to a representative of the Ministry of Social Affairs:

There is a woman there who functions as intermediary and places the girls as domestic workers. At the end of the month the *tutrices* go there and pay this woman some money. She always gets money from placing the girls, while the girls themselves sometimes do not have a salary.<sup>119</sup>

### *Types of work*

Girl domestic workers carry out a wide range of tasks within the house, as well as outside. They clean the house, wash the laundry, pound rice, maize, or sorghum (millet), prepare food, and do the dishes. They also go to the market to buy food for the family. The task of fetching water from distant wells or other sources is a particularly hard type of work, because of the distances covered, the physical labor involved in lifting and carrying, and the potential threats during the journey. Furthermore, girl domestic workers often look after small children during the day and at night. Some girl domestic workers also have a second, different job; they are employed by the *tutrice* to sell goods, such as vegetables, eggs, donuts or cigarettes, on the street or in the market. They usually do this towards the end of the day. They are given the products to sell by their employer and expected to hand over the money earned. Domestic workers in the rural areas also sometimes do agricultural work.

[image]

Domestic girl worker washes dishes for her host family before she goes to primary school in Conakry.  
© 2007 Susan Meiselas/Magnum Photos

As mentioned, fetching water has particular hazards. Girls are often overburdened with the weight of heavy containers or buckets. For example, nine-year-old Rosalie Y. told us that she had to carry containers with 20 liters of water every day; she complained this is “too much.”<sup>120</sup> Others also complained that they had to carry 15 or 20 liters of

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<sup>119</sup> Human Rights Watch interview with Ramatoulaye Camara, Director of Children at Risk Unit, Conakry, December 7, 2006.

<sup>120</sup> Human Rights Watch interview with Rosalie Y., age 9, Forécariah, February 7, 2007.

water a day. The impact of heavy weight on children's growth is known; it may lead to skeletal deformation of the back and neck and accelerate the deterioration of the joints.<sup>121</sup> In fact, the ILO specifically defines carrying heavy loads as a worst form of child labor.<sup>122</sup> Another problem is that water is often only available in the early morning hours, so that girls have to walk deserted paths in the night and are exposed to the risk of assault. Fourteen-year-old Claudine K. started working at age six in her aunt's house. She told us:

I had to get up around 4 a.m. to fetch water. I had to do this because there is not always water. The whole thing was scary. If I met men or boys, I hid. Once a man told me he that if you don't stop and sleep with me, I will cut you open. I dropped the water I was carrying on my head and ran. I told my aunt and she said I should go a little later. Then I went around 5 a.m., after the first prayer call.... I was always so tired when she woke me up. Sometimes I would cry when I am woken up.<sup>123</sup>

Claudine's situation improved after the Guinean Association of Social Workers (Association Guinéenne des Assistantes Sociales, AGUIAS) decided to help her by speaking with her guardian and enrolling her in primary school. She still has to fetch water, but now goes around 7 a.m.<sup>124</sup>

### *Working hours and rest*

Child domestic workers rarely have any holidays, no weekly day off, and little rest during the day. They are made to work around the clock and are sometimes beaten when they try to rest or take a break. Several girls testified that they had to work more than 12 hours per day. When asked about working hours, girls sometimes did not count the hours they spent at the market selling goods after completing the household chores in the afternoon. They were de facto doing two jobs, one as a child

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<sup>121</sup> World Health Organization, "World Water Day 2001," <http://www.worldwaterday.org/wwday/2001/report/ch1.html> (Accessed April 3, 2007)

<sup>122</sup> See Chapter IV on "The Legal Framework."

<sup>123</sup> Human Rights Watch interview with Claudine K., age 14, Conakry, February 8, 2007.

<sup>124</sup> Ibid.

domestic worker and one as a street vendor. Girls also often omitted their child care duties after they ended other house work; they did not seem to consider these responsibilities to be work. Asked about her working hours, Susanne K. age 16, said:

As a domestic worker, I had to clean the house, cook the food, wash the dishes, and go to the market. I had no breaks. I was the first one to get up and the last one to go to bed. I got up around 4:30 in the morning, with the first prayer call. In the evening I worked sometimes until midnight, while the other children were watching TV.<sup>125</sup>

Fourteen-year-old Thérèse I. also worked about eighteen hours a day:

I have to get up at 4 a.m. and work up to 10 p.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 GNF15,000 [about \$2.50] per month, but I have never seen that money. Shortly after I came, I fell sick. The lady accused me of faking it and refusing to work. Since that day, I have often been sick but I never say so. I am beaten. When I take too long here, I may be beaten. Whenever I want to take a rest, the lady says I did not come to rest but to work, and beats me with an electric cord or a piece of tire and pulls my ears. It happens as soon as I take a break.<sup>126</sup>

### *Food and sleeping arrangements*

Parents often send their children to the city because they think they will suffer less from hunger and hard living conditions there. Indeed, some girls reported they were treated like the other children in the family; they would eat together with them and sleep in one bed with them. But for many others, this was not the case. Child domestic workers frequently get less than anyone else in the family. They have to prepare food for the family, and in particular for the children, but they often are not allowed to eat it. Some girls are so hungry that they engage in sex for money or steal

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<sup>125</sup> Human Rights Watch interview with Susanne K., age 16, Conakry, December 6, 2006.

<sup>126</sup> Human Rights Watch interview with Thérèse I., age 14, Conakry, December 8, 2006.

money from their host families to buy food. In some cases, food seems to have become the tool with which employers or host adults exert power.

Monique K. lived with her stepmother and did domestic work while all the other children went to school. She ate lunch at home, but was told that “dinner is not for her”; she just had to prepare it for the other children. Other girl domestic workers had similar experiences of being excluded from family meals. Girls reported eating leftovers<sup>127</sup> or burnt rice from the bottom of the pot,<sup>128</sup> eating one meal a day<sup>129</sup> and being told to stop eating.<sup>130</sup> One said she was sometimes refused food altogether.<sup>131</sup> Fourteen-year-old Habiba C., who lived with her aunt, could not take the hunger any longer:

I had no right to eat breakfast. Instead I had to prepare the sandwiches for the children at school. I so wanted to devour them. But I had no choice. My aunt beat me, with shoes or other things. Sometimes she beat me very early in the morning. Once I revolted against this all. I did not want to go sell things on the street. I had not even had breakfast yet. She forced me to go anyway. I cried.... I was with a man, he did garbage disposal. He wanted sex but I refused. But I was too hungry, so in the end I gave in. I ate well that day. He gave me GNF500 or 1000, I cannot remember. I was six or seven years old. I did not feel OK about it, I did it against my will.<sup>132</sup>

Domestic girls also often did not have a bed or mat, sleeping instead on the bare floor while others in the family would sleep on beds or mats. Some girls had a *pagne*—a thin cotton cloth that is wrapped around the body—to lie on, others had nothing at all. They slept in the kitchen, in the living room, in the corridor, on a

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<sup>127</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>128</sup> Human Rights Watch interview with Justine K., age 18, Conakry, December 6, 2006.

<sup>129</sup> Human Rights Watch interview with Dora T., age 14, Conakry, February 5, 2007.

<sup>130</sup> Human Rights Watch interview with Thérèse I., age 14, Conakry, December 8, 2006.

<sup>131</sup> Human Rights Watch interview with Mariame C., age 13, Conakry, February 8, 2007.

<sup>132</sup> Human Rights Watch interview with Habiba C., age 14, Conakry, February 8, 2007.

verandah, or in a shop.<sup>133</sup> As a result, they often lacked personal space; the lack of a private room also put them at heightened risk of sexual abuse.

### *Confinement to the home*

While some girl domestic workers have to leave the house to work as street vendors, many others are largely confined to the house. Many said that the only time they ventured outside the house was when they did the shopping at the market. Some guardians prohibited the girls from leaving the house entirely, creating a situation of confinement and lack of social contacts. Laure F., age eighteen, experienced this from an early age:

I was not allowed to leave, so I just ran away for short moments sometimes.... One day a friend came from Anta, and he took me with him, and I stayed at his mother's house. From there I found a foster family.<sup>134</sup>

When girls were not allowed to leave the house, they did not know the city and might have been afraid to leave; their ignorance created dependence. For example, Caroline C., age 17, was allowed to sell cigarettes on the street in front of the house, but otherwise she did not leave the house and in her three years in Conakry, had hardly ever left the neighborhood.<sup>135</sup> Marianne N. lived with her aunt since she was small. Her aunt, who made her work hard, explained that she would have difficulty finding her way around the city: "She has never left the house except for visits to the market."<sup>136</sup> When Marianne found the situation with her aunt unbearable, she left with the help of the neighbors, the only people with whom she managed to be in contact. Unfortunately her neighbors' intervention led to further problems as they sent her by herself to Liberia, where she got stranded and raped by a man who pretended to be friendly and put her up for a night.<sup>137</sup>

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<sup>133</sup> Human Rights Watch interviews with girl domestic workers, Conakry and Forécariah, December 2006 and February 2007.

<sup>134</sup> Human Rights Watch interview with Laure F., age 18, Conakry, December 8, 2006.

<sup>135</sup> Human Rights Watch interview with Caroline C., age 17, Conakry, December 7, 2006.

<sup>136</sup> Human Rights Watch interview with guardian of Marianne N., age 16, Conakry, December 6, 2006.

<sup>137</sup> See Chapter II, "Risks connected to travel"; Human Rights Watch interview with Marianne N., age 16, Conakry, December 6, 2006.

As many child domestic workers had very few opportunities to leave the house, they found it hard to make friends and socialize; they were often very isolated. At the age of 11, Justine K. decided to work as girl domestic worker for a family who she did not know, in order to escape her aunt's house. But it was a miserable experience:

Even the kids could boss me around and send me on errands. I had no friends, and was nearly always in the household courtyard, except when I would go buy things at the market.<sup>138</sup>

When girls did manage to find friends and build social networks outside the home, they were more likely to escape their situation. As a result, employers often seemed to consider contact with the outside world as a potential risk. One Malian girl remembered:

To celebrate New Year's Eve I went to the house of M. [member of Malian community] to celebrate with other Malian girls. The next day a girlfriend asked me if she could come with me back to my house, so I went back with her. The lady did not like that and she got angry and chased the girlfriend away. This discouraged me. My friend then told me that she could find another job for me.<sup>139</sup>

### *Inability to end domestic work and forced labor*

Many girl domestic workers want to leave, but they find themselves unable to do so. Forced labor, practices similar to slavery, and servitude are work situations in which several abuses are compounded. For instance, if a girl works hard, does not get adequate remuneration and cannot leave work, she is considered to be carrying out forced labor. The use of force or threat of force is often a key element in these situations; the threat of violence or actual use of violence can stop children from leaving the work place. When families do not allow a child to leave the home where they are working, this can amount to forced labor.

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<sup>138</sup> Human Rights Watch interview with Justine K., age 18, Conakry, December 6, 2006.

<sup>139</sup> Human Rights Watch Interview with Michèle T., age 20, Conakry, February 8, 2007.

Girls who are sent to other families at a young age often do not remember their parents well, nor do they know where they live and how to reach them. Even if their relationship with the host family is difficult, they can simply not imagine living elsewhere. Alice D. was given to her aunt when she was under the age of three. She saw her parents the last time when she was five. She does all the house work, gets no salary, and is beaten regularly. She explained that her only way to leave would be to run away:

I can't return to my parents because my parents decided that I am 'for the aunt.' My aunt hits me if I don't do all of the work, or even when I want to come to the Center [a local NGO providing training], where I am studying sewing. She beats me with a wooden stick.... I'm ready to leave my aunt today. I'm tired of it. My aunt won't accept this, but if I decide to leave, I won't tell her, I'll just go. I suffer a lot with her. Life there is nothing but working and sleeping.<sup>140</sup>

Sylvie S. came to Conakry when she was small. As described above, her parents had given her to a woman who visited the village and looked for a child domestic worker. Despite her problems in this household—she is whipped every day and works very hard—she said:

I have never thought about returning to the village. I don't have contact with my parents. They are farmers. I have not asked to go back. If I could change something I would start an apprenticeship.<sup>141</sup>

But older girls have similar problems. Caroline C. came to Conakry when she was 14. Through a friend of her mothers, she was placed with a woman for whom she does domestic work. She works hard, has no rest, gets no salary, and is subjected to verbal abuse. She explained:

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<sup>140</sup> Human Rights Watch interview with Alice D., age 17, Conakry, December 6, 2006.

<sup>141</sup> Human Rights Watch interview with Sylvie S., age 13, Conakry, December 7, 2006.

I have never received a salary. I don't think my mother's friend or my parents get money either, because I have not seen my mother's friend again. Also my parents are probably not getting money because 'in their mind, I am learning a profession.'... I never discussed payment with the family, because the lady considers that I am with her like that, as if I was at her disposal. I wanted to tell the lady that I want to leave, but I haven't done it yet. I am afraid to say it.<sup>142</sup>

Thérèse I., whose case is described above, had also thought about leaving. But this is difficult for her. In tears, she said:

The tutrice does not want me to leave. I would like to leave, but my mother is not in Boke any more. She has gone to Guinea-Bissau. And I don't know where she is. There are no other family members to go to either.<sup>143</sup>

Some girls faced threats of violence or violence when they expressed the desire to rest or stop work entirely. Dora T. got in contact with AGUIAS, a local association offering advice, literacy courses and apprenticeships for domestic workers. Initially her aunt agreed that she could split her time between AGUIAS and the home:

But one day when I came back from AGUIAS my aunt refused. She refused to give me food. The next morning she said, if you leave today, you will not be allowed in. You must not go. I left and went to AGUIAS.... After coming back, my aunt chased me away and I stayed with the neighbors. I had an uncle here in Conakry, he is poor and cannot do much, but he begged my aunt to let me go back. So this is how she let me back in again, on the condition that I do not go back to AGUIAS.<sup>144</sup>

Malian girls generally seemed to have better networks and benefited from the solidarity of their fellow compatriots, who were organized in a local association and

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<sup>142</sup> Human Rights Watch interview with Caroline C., age 17, Conakry, December 7, 2006.

<sup>143</sup> Human Rights Watch interview with Thérèse I., age 14, Conakry, December 8, 2006.

<sup>144</sup> Human Rights Watch interview with Dora T., age 14, Conakry, February 5, 2007.

frequently took action when they found out about exploitation and abuse. Several of them left exploitative jobs to go home or to find a better job in Conakry.

### *Lack of access to health care and information*

Many girls did not get adequate care when they fell sick. Often, their employer or de facto guardian simply accused them of faking illness, and demanded that they continue working. Few host families actually bought medicine and treated the illness. Many children had to rely on the help of others such as family members or neighbors to obtain medical treatment. Nine-year-old Rosalie Y. stated that she was beaten with a whip when she was tired or sick.<sup>145</sup> Dora T., 14 years old, remembers what happened to her when she fell ill:

Once I fell ill, I had malaria. I was taken to hospital and I needed treatment. My aunt refused and said she had no money. Because my cousin intervened in my favor, my aunt finally paid for the treatment.<sup>146</sup>

In addition, few girl domestic workers get any health education on HIV/AIDS and reproductive rights. The government and several NGOs are running programs on health education for adolescents, including on HIV/AIDS and reproductive rights. They are trying to reach as many young people as possible through radio programs, and through audio CDs that are made widely available to local actors.<sup>147</sup>

But as most child domestic workers do not have many opportunities to leave the house and participate in education programs or social events, it is hard to reach this group. Two interviewees who had had sexual experiences at a young age did not seem to know about the risks of contracting HIV/AIDS. For example, Claudine K., when told about the importance of using condoms to prevent sexually transmitted diseases, replied that she had only had intercourse once.<sup>148</sup> Habiba C. showed

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<sup>145</sup> Human Rights Watch interview with Rosalie Y., age 9, Forécariah, February 7, 2007.

<sup>146</sup> Human Rights Watch interview with Dora T., age 14, Conakry, February 5, 2007.

<sup>147</sup> Human Rights Watch interview with representative of Population Services International, Conakry, February 4, 2007.

<sup>148</sup> Human Rights Watch interview with Claudine K., age 14, Conakry, February 8, 2007.

similar lack of knowledge.<sup>149</sup> However, another girl who was repeatedly raped by her *tuteur* told us, “I know about the risks but I don’t have a choice.”<sup>150</sup>

## Psychological, physical and sexual abuse

### *Psychological abuse*

Few adults who hire or use child domestic workers interviewed for this report adequately fulfilled their responsibilities to the girls in their care. Many girls described to Human Rights Watch how they felt stigmatized and rejected by their host family; they were insulted, shunned and mocked by the adults who were to care for them. They were frequently kept separate from the children of the host family. They were accused of lying, stealing, sleeping with men, and being lazy.

When asked about her experience, 16-year-old Marianne N. said, “The worst thing was that my aunt took me in and then abandoned me.”<sup>151</sup> Several child domestic workers started to cry when talking about their experiences. Habiba C., whose case is mentioned above, said, “I was really proud to do these things [learning to do domestic work]. I did not know then that hell was going to open in front of me.”<sup>152</sup> The psychological consequences of life as child domestic worker should not be underestimated. A report by the ILO has found that the psychological health of children in domestic service is sometimes severely affected. Their self-esteem is diminished and they have feelings of helplessness and dependency. This is exacerbated when children are prevented from mixing with other children or other people at all.<sup>153</sup>

### *Physical abuse*

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<sup>149</sup> Human Rights Watch interview with Habiba C., age 14, Conakry, February 8, 2007.

<sup>150</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>151</sup> Human Rights Watch interview with Marianne N., age 16, Conakry, December 6, 2006.

<sup>152</sup> Human Rights Watch interview with Habiba C., age 14, Conakry, February 8, 2007.

<sup>153</sup> International Labor Office Geneva, *Helping Hands or Shackled Lives? Understanding Child Domestic Labor and Responses to it* (Geneva: International Labor Organization, 2004), p.51, [http://www.ilo.org/public/english/standards/ipecc/publ/download/cdl\\_2004\\_helpinghands\\_en.pdf](http://www.ilo.org/public/english/standards/ipecc/publ/download/cdl_2004_helpinghands_en.pdf) (Accessed March 22, 2007).

Corporal punishment of children is common in Guinea. A recent report noted that despite legal safeguards against child beating, there is “no evidence of application to parental corporal punishment” in Guinea.<sup>154</sup> A 1999 report of the Committee on the Rights of the Child observed:

Although the Committee is aware that corporal punishment is prohibited by law, it remains concerned that traditional societal attitudes still regard the use of corporal punishment by parents as an acceptable practice.<sup>155</sup>

Almost all child domestic workers interviewed by Human Rights Watch had horrible experiences of physical abuse. The vast majority of the girls interviewed said that they had been beaten and otherwise physically abused at the hands of de facto guardians and employers. They were beaten with whips, electric cords, belts, sticks, brooms, and other items. Some said that they were beaten on a daily basis. Rosalie Y., nine years old, whose scars on her back were visible, told us:

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.<sup>156</sup>

Brigitte M. from the town of Pamelap near the Sierra Leonean border worked for a woman in Conakry from the time she was about eight years old. She was also beaten regularly and still has a scar on her head from an assault by her employer:

I do the domestic work and sell piment [hot pepper]. When there is money missing, the woman beats me with a broom. Once she hit me

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<sup>154</sup> Global Initiative to End all Corporal Punishment of Children, “Ending legalized violence against children, Global Report 2006,” 2006, fn. 54, p.46, <http://www.endcorporalpunishment.org/pages/pdfs/GlobalReport.pdf> (Accessed April 4, 2007).

<sup>155</sup> UN Committee on the Rights of the Child, “Considerations of Reports Submitted By States Parties Under Article 44 of the Convention, Concluding Observations: Guinea,” CRC/C/15/Add.100, May 10, 1999, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.100.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.100.En?OpenDocument) (Accessed April 4, 2007).

<sup>156</sup> Human Rights Watch interview with Rosalie Y., age 9, Forécariah, February 7, 2007.

on the head, when I was fighting with her child. She took a cooking pot and smashed it against my head.<sup>157</sup>

Eight-year-old Mahawa B. was beaten so badly that her mother took her back home:

My aunt beat me when I had not fetched enough water with the 20-liter bucket. She also beat me for other things, with a belt. Once I was beaten badly and my mother came and picked me up. I had injuries and my mother saw them.<sup>158</sup>

[image]

A Sierra Leonean girl who was sent as domestic worker to Conakry to escape the war in her home country. A local NGO helped her find a foster family and enrolled her in primary school.  
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A particularly horrible case of physical abuse happened to Julie M. She explained what happened to her in late 2006:

I have had quite a lot of bad experiences. But there is one day that was particularly awful. I had a friend at our neighbors, and Binta [her guardian, pseudonym] also had a friend there. That day, I was in the neighbor's courtyard, and a witch doctor came because their child was sick. When the witch doctor came, he said that I and the other child domestic worker [at Binta's] were witches, that we want to eat the child of the neighbor. That shocked Binta who started to cry. She sent me to get some fire from the neighbors for cooking, and when I went there, I started to cry, I took some time, I could not stand this accusation. When I returned to Binta with the fire, she was angry and asked what I had done all that time. She said you have to say the truth and admit you are a witch, she took a knife and threw it at me, it cut my leg. This day has traumatized me. She also took pieces of glass and cut me with that in the leg.... I could not walk and it started to smell. I had to continue working.... The whole neighborhood was

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<sup>157</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>158</sup> Human Rights Watch interview with Mahawa B., age 8, Forécariah, February 7, 2007.

shocked about the treatment by Binta. One day it rained and Binta sent me out to fetch water. A friend in the neighborhood called me and suggested to me to run away. I was bare foot but I left anyway.... A woman in the neighborhood helped me and put me in touch with AGUIAS.<sup>159</sup>

### *Sexual abuse*

Coerced sexual relations are a fact of life in Guinea given vastly unequal power dynamics between the sexes and endemic poverty. The occurrence of survival or transactional sex creates an environment in which a girl's consent to any form of sex is not generally considered a key factor. In addition, there is a widespread assumption that girls' attitudes towards sex can be easily manipulated. When aware of the risks of unprotected sex, girls still find it very difficult to get their partners to use condoms.<sup>160</sup> Parents and other adults responsible for girls do not usually see it as a legitimate aim to help girls take control of their sexuality, but rather seek to limit and control their sexuality until married. They fear promiscuity, or what is sometimes called *délinquance sexuelle* and *vagabondage sexuel*.<sup>161</sup> This viewpoint neglects the role of men in initiating sex and dominating sexual relationships, and in forcing sexual relations even where a girl does not offer her consent or explicitly indicates she is not consenting; these situations amount to rape.

Many of the girl domestic workers interviewed by Human Rights Watch described having been sexually harassed, sexually exploited and raped. Fourteen girls spoke about their experiences. Most frequently, they were approached by men living within the household, including the *tuteur* (the head of household), the household children or extended family members. Some suffered years of continued sexual abuse and saw no means to protect themselves or denounce the perpetrator.

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<sup>159</sup> Human Rights Watch interview with Julie M., age 13, Conakry, February 8, 2007. Accusations of sorcery against unwanted children are also known from the Democratic Republic of Congo. See Human Rights Watch, *What Future? Street Children in the Democratic Republic of Congo*, vol. 18, no. 2(A), April 2006, <http://hrw.org/reports/2006/drco406/drco406web.pdf>.

<sup>160</sup> Nancy Luke and Kathleen M. Kurz, "Cross-Generational and Transactional Sexual Relationships in Sub-Saharan Africa: Prevalence of Behavior and Implications for Negotiating Safer Sexual Practices," September 2002, p.28., [http://www.icrw.org/docs/CrossGenSex\\_Report\\_902.pdf](http://www.icrw.org/docs/CrossGenSex_Report_902.pdf) (Accessed May 8, 2007); Ministère de l'Enseignement Pré-universitaire et de l'Education civique, "Etude sur la violence scolaire et la prostitution occasionnelle."

<sup>161</sup> Direction Nationale de l'éducation pré-scolaire et de la protection de l'enfance (DNEPPE)/ UNICEF, *Etude: Exploitation sexuelle des filles domestiques*, August 2005, p. 27.

Several girls told us, in tears, that they had been raped by men in the house they were living in. Susanne K., who had already been raped by a truck driver when she tried to go from her village alone to Conakry, related her experience:

When my aunt leaves the house, her husband takes advantage of the situation and has sex with me. When I sleep with my uncle, he does not finish his plate and gives me the remaining food. Otherwise I do eat not very much, and sometimes even nothing. I never get breakfast. A boy in the family also abuses me sexually. The abuse by my uncle and this boy continues.... I wish all my past would just be a dream.<sup>162</sup>

Brigitte M., who was recruited by her *tutrice* at a weekly market in Pamelap, had a similar experience:

She [the *tutrice*] still goes to the weekly market near Pamelap. When she is gone, her 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.<sup>163</sup>

Often, such sexual abuse continues until the girl becomes pregnant, at which point local NGOs and other actors in the community find out about such cases.<sup>164</sup> Justine K., now 18 years old, lived with her aunt in Conakry from a young age. She was not happy there, and at the age of 11, she decided to go work as child domestic worker for another family:

The father worked for CBG [Compagnie des Bauxite de Guinée] in Kamsar, but he would come home on weekends. When I was 12, and the wife was out of the house one weekend, he came and found me in

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<sup>162</sup> Human Rights Watch interview with Susanne K., age 16, Conakry, December 6, 2006.

<sup>163</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>164</sup> Human Rights Watch interview with AGUIAS staff, Conakry, December 8, 2006; Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

the kitchen and told me to come to his room. There he grabbed me and started caressing me. I didn't say anything, but managed to work my way free and run. But he said that if I didn't come back he would beat me until I bled, so I came back crying. Then he raped me. This continued until I was about 14 and I got pregnant. It was the father who got me pregnant. I knew it when my period stopped coming, but I didn't say anything about it. During this time, the father would still come to me for sex. But one day he noticed that my stomach was getting bigger and he told me to get out of the house before his wife came back. The children were away that day. Most of my goods were wrapped up in a pagne [African cloth]. He threw it out the door, pushed me out, and shut the door.<sup>165</sup>

Several girls were also sexually exploited; that is, they agreed to sex in return for some food, money or clothing. Julie M. was about 11 years old when the husband of the *tutrice* started to have sex with her. He gave her between GNF500 and 1500 in return.<sup>166</sup> Another girl had sex with a gardener at the age of nine or ten, so she could buy a dress.<sup>167</sup>

Many other girls were sexually harassed. According to a social worker in a local organization, the girls often end up giving in to having sexual relations, because they see no way out.<sup>168</sup> Thérèse I. said:

Sometimes when I work, the husband of my *tutrice* slaps my butt. I have told him that I do not like that. One day he wanted to sleep with me. I refused. I said I cannot do that. So he told me to get out of the house. When the lady came home he told her that I had been sleeping with another boy in the neighborhood. The woman said, 'Is this what

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<sup>165</sup> Human Rights Watch interview with Justine K., age 18, Conakry, December 6, 2006.

<sup>166</sup> Human Rights Watch interview with Julie M., age 13, Conakry, February 8, 2007.

<sup>167</sup> Human Rights Watch interview with Claudine K., age 14, Conakry, February 8, 2007.

<sup>168</sup> Human Rights Watch interview with AGUIAS staff, Conakry, December 8, 2006.

you came for? You will not stay with us.’ She forced me to sleep outdoors that night.<sup>169</sup>

A 14-year-old Malian girl working as child domestic worker in Conakry was sexually harassed continuously by her employer, a chauffeur, until she decided to go back to her home country.<sup>170</sup>

In addition to the *tuteur*, younger men and adolescent boys in the house try to pressure the child domestic workers to have sexual relations with them. Liliane K. managed to put an end to the harassment by her guardian’s son. “One night he came and jumped on me. I screamed and everybody came out running. The *tutrice* got very angry with her son over this and shouted at him.”<sup>171</sup> Other girls also told their guardians about sexual violence and harassment. In some cases this worked, but in others the guardians did not believe them. Fifteen-year-old Yvette Y. had this problem with her guardian:

My uncle’s son is about 20, and he wants to have sex with me in the night and during the day, when I am alone with him in the house. When I refuse or I insult him, he says something bad about me. He says that he has seen me with other boys or that I have lied. I have always refused but he continues to push for it. I have tried to tell my uncle, but he does not believe me. He even beats me when I mention it.<sup>172</sup>

As this case shows, sometimes the girls who are abused end up being the ones punished. In one case, a Malian child domestic worker burned a man with boiling water who wanted to rape her. As a consequence, she was detained by the Guinean authorities; there was no investigation into the alleged case of attempted rape.<sup>173</sup>

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<sup>169</sup> Human Rights Watch interview with Thérèse I., age 14, Conakry, December 8, 2006.

<sup>170</sup> Human Rights Watch interview with young Malian woman in Conakry, February 9, 2007.

<sup>171</sup> Human Rights Watch interview with Liliane K., age 14, Conakry, December 8, 2006.

<sup>172</sup> Human Rights Watch interview with Yvette Y., age 15, Conakry, December 8, 2006.

<sup>173</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

Fetching water or working as a street vendor also exposed girls to the risk of sexual abuse. Several girls experienced sexual harassment or threats of violence while out on the street. One said, “I fetch water around 5 or 6 a.m. Sometimes some guys approach me. When that happens, I drop the bucket and run away.”<sup>174</sup>

Rape and sexual harassment cause a great deal of trauma, and those girls who have suffered sexual assault are often in need of medical and psychological support.<sup>175</sup> Yet, health care and psychological support are rarely available for these girls as they have little information about available resources or are not allowed to leave their employer’s house. Unless the few existing services actively reach out to these girls, they are unlikely to be useful to victims of rape and sexual harassment.

## Denial of education

Only six of 40 girls and women interviewed attended school while working as child domestic workers. The six girls who did attend school had been enrolled by AGUIAS, an NGO focusing on the plight of girl domestic workers. Frequently, girl domestic workers remained at home, while the biological children of the guardian attended school.

In Guinea, primary education is compulsory and, at least theoretically, free of charge. However, there are significant costs associated with schooling, such as buying learning materials, school uniforms or even a school desk. One study found that fees for books, uniforms, food transport and other costs come to about \$238 per school year.<sup>176</sup>

The right to education is not only an important right in and of itself. It is also an “enabling” right; that is, it enables people to realize their rights in other areas. Studies

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<sup>174</sup> Human Rights Watch interview with Habiba C., age 14, Conakry, February 8, 2007.

<sup>175</sup> UN Secretary General, “In-depth study on all forms of violence against women,” July 6, 2006, A/61/122/add.1, p.47-48, <http://daccessdds.un.org/doc/UNDOC/GEN/No6/419/74/PDF/No641974.pdf?OpenElement> (Accessed April 5, 2007).

<sup>176</sup> Ministère de l’Enseignement Pré-universitaire et de l’Education civique, *Etude sur la violence scolaire et la prostitution occasionnelle*, p.14.

have shown that girls and women are less likely to be subjected to discrimination, violence, other abuses, and HIV infection when they have received an education.<sup>177</sup>

In some cases, the guardians had promised to the girls' parents that they would send them to school. Brigitte M.'s guardian used the promise of education to get her father to agree to the recruitment of his daughter. As soon as they arrived in Conakry, Brigitte M. had to work hard and "the promise of education was never mentioned again."<sup>178</sup> Angélique S., who was sent to work for her parent's employers and land owners, was outraged and ashamed that she did not get an education:

I wanted to leave because all the other children are going to school, except me. Even the smaller children are going to school. I had enough of that. I was ashamed of not going to school and lied about it. My employers promised that I would go to school. But the woman does nothing for my future. I am not getting a salary. My mother does not get any money either. My mother feels grateful towards them. But my father did not want me to go. My mother came here at some point. She asked the woman whether she is sending me to school. She said she would send me to school soon. Then I told my mother it is not happening, the other children are going to school, and I am staying behind. The tutrice refuses. She wants me to be at the house and do house work.<sup>179</sup>

Angélique was finally assisted by a local association, Action Against Exploitation of Women and Children (Action Contre l'Exploitation des Enfants et des Femmes, ACEEF), who helped her obtain an apprenticeship as a tailor and negotiated this with her employer.

When the girls were older, the guardians sometimes promised vocational training or an apprenticeship. Caroline C., whose case is mentioned above, came to Conakry at the age of 14. The intermediary who placed her as child domestic worker promised

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<sup>177</sup> Action Aid, "The Impact of Girl's Education on HIV and Sexual Behavior," Education and HIV Series 01, 2006, [http://www.ungei.org/resources/files/girl\\_power\\_2006.pdf](http://www.ungei.org/resources/files/girl_power_2006.pdf) (Accessed May 8, 2007); UNICEF, *The State of the World's Children 2007* (New York: UNICEF 2006), p. 1-15, <http://www.unicef.org/sowco7/docs/sowco7.pdf> (Accessed April 10, 2007).

<sup>178</sup> Human Rights Watch interview with Brigitte M., age 15, Conakry, December 6, 2006.

<sup>179</sup> Human Rights Watch interview with Angélique S., age 15, Conakry, December 7, 2006.

her and her parents that she would learn a profession. However her guardian never followed through on this promise:

The reason I came was to learn a profession, not for money. What bothers me is that I'm not learning a profession. I want to learn hairstyling.<sup>180</sup>

Whether or not an education or apprenticeship was promised, many guardians took a dismissive attitude towards the girls in their care and usually quickly brushed away such demands. One guardian explained why she did not send her niece to school:

[Marianne] was given to me by my brother, so I would raise her in the city and find her a husband here. I was not told to send her to school, and her siblings in the village also don't go to school, so why should I?... The girl is not very intelligent.<sup>181</sup>

Some girls were told that there was no money to send them to school or to an apprenticeship. Guardians sometimes agreed to send children to school or allow older girls to start an apprenticeship. However, this was only when local NGOs intervened, and usually required difficult negotiations and financial commitment from the NGO to pay for the costs of schooling or apprenticeship. Often the girls found it difficult to meet the dual expectations that were now placed on them. The deputy head of a primary school explained:

There are sometimes problems with girl domestic workers, when the tutrices do not let them come. There are some who work a lot.... They go to bed late and are the first ones to get up. Often they come too late to school. When they go home, they often do not get any food but are just made to work in the house. They are obliged to sleep at school. They have no time to study.... When the girls sleep in class or come late, we summon the parents to come and discuss. There are some who react well, but then the whole thing starts again.... Once, a

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<sup>180</sup> Human Rights Watch interview with Caroline C., age 17, Conakry, December 7, 2006.

<sup>181</sup> Human Rights Watch interview with guardian of Marianne N., age 16, Conakry, December 6, 2006.

teacher found a girl that had traces of beatings on her body. The tutrice had to come. She justified her behavior saying that the child had been outside for too long when she had sent her to get charcoal.<sup>182</sup>

Claudine K. has been living with her aunt as a child domestic worker and street vendor since she was about six years old. She worked about 15 hours a day and was regularly beaten. One day the *chef de quartier* (local authority) told young people to attend a meeting with AGUIAS, who were registering children that were not in school. She sought their help and they enrolled her in primary school, with consent from her aunt. While Claudine's situation is much improved, attending school is still a challenge for her:

I still live with my aunt. I still do domestic work there, after school. As we have class in the morning and afternoon, sometimes she stops me from coming here [school]. The teacher does not know my problem. I have to finish my domestic work first, so I do my homework late at night or sometimes I don't do it.... I still fetch water too, but around 7 a.m. I have to be at school at 8 a.m., so I don't come on time, but usually come at 9 a.m.<sup>183</sup>

Older girls who apprenticed as tailors, hairstylists, or in other trades reported similar problems. Their guardians would overload them with work so that they could not be on time, or would be too tired.

Christine C., age ten, was one of the few girls who told us that she had been happy to stay with a relative in the city, a cousin, in her case. She attended school in Conakry up to the second grade before her mother pulled her out and made her return to the village.<sup>184</sup> Many other girls interviewed expressed the desire to go to school or get an apprenticeship.

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<sup>182</sup> Human Rights Watch interview with Deputy Headteacher, Coléah Primary School, Conakry, February 8, 2007.

<sup>183</sup> Human Rights Watch interview with Claudine K., age 14, Conakry, February 8, 2007.

<sup>184</sup> Human Rights Watch interview with Christine C., age 10, Forécariah, February 7, 2007.

## Trafficking

The exact scale of the child trafficking problem in Guinea is difficult to determine. There are few reliable statistics, and the lines are sometimes blurred between trafficking and ordinary migration, and between trafficking and labor exploitation. While some observers consider the problem to be widespread, others contend that the trafficking problem is limited. The above-mentioned ILO study on child labor in Guinea found that 22.4 percent of the children interviewed were victims of trafficking.<sup>185</sup> Other studies in Guinea<sup>186</sup> and Mali<sup>187</sup> found that a relatively small proportion of migrant child workers interviewed had actually been trafficked.

As explained above, child trafficking is the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation. Hence, trafficking occurs when several elements are compounded: the recruitment; the transport or transfer; and exploitation. Exploitation can include sexual exploitation, forced labor or services, slavery or practices similar to slavery, and servitude.

[image]

Florienne C., 17, holding her child, came to Conakry at the age of 12 to work as a domestic. She recently returned to her village in Mali with the help of the International Organization for Migration (I.O.M.) and local NGOs.  
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Some of the child domestic workers interviewed during the course of this investigation can be considered victims of trafficking. These are some examples of such cases:

- When she was about eight years old, Brigitte M. was given to a woman by her father following the death of her mother and brother. She did all the house work for no pay and was frequently beaten. In addition, the male guardian raped her regularly. She slept on the verandah and ate leftovers. She said she

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<sup>185</sup> Guinée Stat Plus / BIT, "Etude de base sur le travail des enfants en Guinée," p.75-76.

<sup>186</sup> Stat View International, "Enquête Nationale sur le Trafic des Enfants," The study found that 30 of 2000 children were victims of trafficking (1.5 percent).

<sup>187</sup> Castle and Diarra, *The International Migration of Young Malians*, p.15. The study found that four of 950 children were trafficked.

would like to leave but did not know where to go; she did not know if her father was still alive.

- At a young age, Laure F. was given to a friend of her father to live and work as a domestic. She had to work from early morning to night. She was given no regular salary, though she was occasionally given a little money. She was beaten regularly, particularly when her guardian found that she had not finished her work. She was treated differently from the guardian's children; she had to sleep on the floor and was not sent to school. She was not allowed to leave.
- At the age of 12, a woman took Thérèse I. to work for her sister. There, she had to work about 18 hours a day. She did not receive a salary and was beaten regularly, particularly when she tried to rest. She did not receive sufficient food and was sexually harassed by the head of household. She wanted to leave but believed that her guardian would not allow her to leave. Her mother had left the country and Tèrèse knew of no relatives to go to.
- Mariame C., a 14-year-old Malian girl, was approached by a woman in Bamako who told her she could earn more money in Conakry. She was sent to Conakry with another Malian girl. The woman who recruited them worked with a driver, who took them to their work places in Conakry. Mariame C. worked without pay and was sometimes refused food.
- When Florienne C., a 12-year-old Malian girl, went with a woman recruiter and three other girls from Bamako to Conakry. The recruiter sent her to work for a family in Conakry. She worked at a household for one year and three months, but was kicked out after fighting with the sister of the guardian. She was not given her pay, which seems to have been kept by the intermediary in Conakry. She was then sent to work elsewhere for two years. When she wanted to leave, her guardian refused to pay her and only paid her in kind.

While trafficking is a serious and complex human rights abuse, it is one end of a spectrum of broader problems of child protection. Many girl domestic workers in

Guinea are not trafficked, but suffer from labor exploitation, physical abuse, sexual exploitation, lack of education and gender discrimination. Policy measures should be based on a broader child protection perspective to prevent and respond to the full range of abuses, not only focus on trafficking. This concern has been voiced aptly by a study on child trafficking and migration in the region:

In our view, immediate action is required to improve the working and living conditions for all working children, both to enhance their quality of life and to make them less vulnerable to abuse, disease, and tempting job proposals in their arena of work, as well as to make them less vulnerable towards traffickers looking to exploit them.... It is our firm belief that children in West Africa will benefit more from policies and actions developed in accordance with this recommendation than from priorities more narrowly focused on the elimination of trafficking.<sup>188</sup>

### **Uncertain future: What girls do after ending domestic service**

Girls end domestic service in many ways. Some girls are called back by their families, for example, because there have been problems with the employer family. When these girls return to the village, their parents often try to get them married quickly, even if they are still under the age of eighteen; girls may be married as young as eleven.<sup>189</sup> Many of the marriages are arranged. Several Malian domestic workers explained that they would marry immediately upon return from Guinea.<sup>190</sup> A staff member of the Malian embassy even encouraged the father of a Malian domestic worker to do so, as he seemed to consider this a safe and honorable solution.<sup>191</sup> Marianne N., whose case was mentioned above, suffered serious problems as a girl

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<sup>188</sup> Fafo Institute of International Studies, "Travel to Uncertainty" p. 55.

<sup>189</sup> UNICEF, "At a glance: Guinea," [http://www.unicef.org/infobycountry/guinea\\_statistics.html](http://www.unicef.org/infobycountry/guinea_statistics.html) (Accessed March 15, 2007); US Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices – 2006: Guinea," March 2006, <http://www.state.gov/g/drl/rls/hrrpt/2006/78738.htm> (Accessed May 1, 2007).

<sup>190</sup> Human Rights Watch interviews with Malian girl domestic workers, Conakry, February 9, 2007.

<sup>191</sup> Human Rights Watch interview with Berdougou Moussa Koné, Consul at the Malian embassy in Guinea, Conakry, February 5, 2007.

domestic worker. After her failed escape to Guinea, and the birth of her baby born as a result of rape, she was sent back to her family, where she has since married.<sup>192</sup>

Girls in the city might get married as well, but they can more easily influence the choice of partner and time frame. They might also try to get an education, or the older ones might try to get apprenticeships. Many former child domestic workers do apprenticeships in areas that are seen as “women’s” work, such as tailoring and hairdressing. These jobs seem to be considered as carrying less status; there also seems to be such a large number of tailors and hairdressers that many will inevitably be unemployed.

Two former domestic workers interviewed by Human Rights Watch work currently as sex workers, called *filles libres* in Guinea. Stéphanie S., 23 years old, worked as domestic worker between the ages of 15 and 19. While she was initially paid well, her employer later refused to pay her full salary, and she had frequent conflicts with the *tutrice*. She finally left that position and started to sell fish and hamburgers at Kilomètre Trente-Six, an urban agglomeration that serves as a stop-off for most road trips in and out of Conakry. Later, she decided to do sex work.<sup>193</sup> Another *fille libre* explained that she had worked for no pay as a domestic worker before starting to have her own small business selling shoes.<sup>194</sup> However, it does not seem that exploitation in domestic service is an important factor in becoming a sex worker. A study by Population Services International on sex workers in Guinea found that most girls and young women became sex workers after they had experienced divorce, separation or death of their husband. Many others had difficult relations with their own family.<sup>195</sup>

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<sup>192</sup> Human Rights Watch telephone interview with Aïssatou Barry, head of AGUIAS, March 2007.

<sup>193</sup> Human Rights Watch interview with Stéphanie S., age 23, Kilomètre Trente-Six, February 9, 2007.

<sup>194</sup> Human Rights Watch interview with Elise N., age not given, Kilomètre Trente-Six, February 9, 2007.

<sup>195</sup> Population Services International, “Enquête quantitative sur les IST/VIH/SIDA auprès des filles libres en Guinée” (Conakry, December 2005). The study was based on a sample of 435 sex workers.

## IV. The Legal Framework

### Guinean law

The Guinean legislative framework provides a strong basis for protection of girls against abuse and exploitation. The Constitution (*Loi fondamentale*) guarantees equality of men and women. It also stipulates that primary education is compulsory.<sup>196</sup>

Guinean law prohibits trafficking, labor exploitation, abuse and discrimination against children. The Penal Code outlaws trafficking of persons and proscribes penalties of up to ten years imprisonment. Article 337 prohibits “submitting a person to work conditions or accommodations that are incompatible with human dignity, by abusing her vulnerability or state of dependency.”<sup>197</sup> The Penal Code also outlaws child abduction<sup>198</sup> and physical violence against children.<sup>199</sup> If a child is assaulted by his parents, relatives or guardians, this can increase the punishment. Rape and indecent assault are specifically prohibited by articles 321-324. Indecent assault can occur with or without violence, and is punishable with five to ten years imprisonment, if the child is under the age of 13, or if the person assaulting the child is a relative.<sup>200</sup>

While the Guinean Labor Code does not explicitly mention domestic workers, its definition of worker is sufficiently broad so as to cover this category.<sup>201</sup> The Labor

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<sup>196</sup> Adopted in 1990, amended in 2001. More details on the rights of girls and women are contained in: Committee on the Elimination of Discrimination Against Women, “Combined forth, fifth and sixth periodic reports on implementation of the Convention for the Elimination of All Discrimination against Women (CEDAW) in the Republic of Guinea (1998-2002),” CEDAW/C/GIN/4-6, December 2002, <http://daccessdds.un.org/doc/UNDOC/GEN/No5/511/37/PDF/No551137.pdf?OpenElement> (Accessed April 20, 2007); and in WILDAF/FeDDAF – Afrique de l’Ouest, “Situation des femmes – Guinée,” [http://www.wildaf-ao.org/fr/article.php?id\\_article=44](http://www.wildaf-ao.org/fr/article.php?id_article=44) (Accessed April 19, 2007).

<sup>197</sup> Code Pénal, 1998, art.337. Translation done by Human Rights Watch.

<sup>198</sup> Code Pénal, arts.349-351. The level of violence and fraud, and the age of the victim determine the degree of punishment.

<sup>199</sup> Code Pénal, art.295-301.

<sup>200</sup> Code Pénal, art.323. However, the article explicitly excludes married children, allowing de facto for spousal rape.

<sup>201</sup> Code du Travail, 1988, art.1: “Est considéré comme travailleur, quels que soient son sexe et sa nationalité, toute personne qui s’est engagé à mettre son activité professionnelle, moyennant rémunération, sous la direction et l’autorité d’une autre personne physique ou morale, publique ou privée, laïque ou religieuse appelée employeur.” (“A worker is anyone, regardless of gender or nationality, who is engaged in a professional undertaking, for payment, under the direction and authority or another legal or natural person, public or private, lay or religious, called the employer.” Unauthorized translation by Human Rights Watch). There is no clause in the Labor Code that excludes domestic workers who provide full-time work for relatives from this definition.

Code sets the minimum age for employment at 16 years; it states that employment contracts cannot be concluded with anyone under the age of 16. However the code also provides that children under 16 may be employed, if their legal guardians consent.<sup>202</sup> Girls over the age of 16 are permitted to work within certain limits. It is not a criminal offence in Guinean law to employ children in hazardous labor, but the Labor Code prohibits work at night for all persons under age 18, and stipulates that anyone under 18 has a right to rest on Sunday and to have a rest period each day of at least 12 consecutive hours.<sup>203</sup> In addition, a special Decree on Child Labor prohibits certain types of work for children at certain ages. For example, handling dangerous machines is prohibited for all children. Girls aged 16 and 17 must not carry loads that are heavier than 10kg.<sup>204</sup> However, the Child Labor Decree also reaffirms the legality of child labor for children as young as twelve, by stating that their parents have to give written consent for them to work.<sup>205</sup>

The Labor Code also contains a range of protections for all workers. Girls between the ages of 16 and 18 can work, as can girls under 16 if they have consent, but must be afforded their full labor rights. Anyone, independent of age and gender, can take a labor dispute or complaint to a labor tribunal; infractions may be punished with fines or even terms of imprisonment.<sup>206</sup>

The government is currently preparing new legislation on trafficking of women and children; this law would increase the penalties for trafficking and include specific language on sex trafficking. A gap in this proposed legislation is the failure to include specific language on trafficking into all forms of forced labor, including domestic servitude. A draft Child Code with comprehensive protections for children has also been in preparation for years, and child rights groups are awaiting its adoption by parliament. Under this law, NGOs could also intervene as parties (*partie*

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<sup>202</sup> Code du Travail, art. 5: "Le contrat de travail ne peut être conclu qu'avec un individu ayant atteint l'âge minimum de seize ans. Les mineurs ayant moins de seize ans ne peuvent être engagés qu'avec l'accord de l'autorité dont ils relèvent. " ("The work contract can only be agreed with an individual who is at least sixteen years old. Minors who are under the age of sixteen can only be recruited if their legal guardian agrees to it. " Unauthorized translation by Human Rights Watch).

<sup>203</sup> Code du Travail, arts.148-149 and 155.

<sup>204</sup> Arrêté No. 2791/MTASE/ DNTLS/ 96 relatif au travail des enfants, <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/44408/65028/F96GINo1.htm> (Accessed May 24, 2007).

<sup>205</sup> Arrêté No. 2791/MTASE/ DNTLS/ 96 relatif au travail des enfants, art.7.

<sup>206</sup> Code du Travail, art. 374-380 and art. 390 ; Arrêté No. 2791/MTASE/ DNTLS/ 96 relatif au travail des enfants , art. 13.

*civile*) to a court case to seek damages as a civil party, something for which activists within Guinean civil society have called.<sup>207</sup>

## International law

International law, in particular several international treaty provisions to which Guinea is a party, places obligations on states to provide and enforce protection for children. These obligations are intended to prevent children becoming victims of the kind of abuses that child domestic workers are suffering. Guinea has ratified a number of international treaties which have superior status to national legislation.<sup>208</sup> However, Guinea should also take steps to pass the necessary implementing legislation to ensure that courts can enforce these provisions.

## Child labor

In recognition of the potential benefits of some forms of work and of the realities that require many children to enter the workforce to support their own or their families' basic needs, international law does not prohibit children from carrying out all types of work as such. The ILO uses the term "helping hand" to speak of "non hazardous domestic tasks undertaken by a child of any age as part of daily chores in their own family home."<sup>209</sup> It emphasizes that this work takes place a few hours a day before or after school, at a maximum. Given the harsh living conditions of many families in Africa, a limited amount of child work can sometimes even be in the best interest of the child.<sup>210</sup>

Such work is not child labor. Child labor, as defined by the ILO, is "work that deprives children of their childhood, their potential and their dignity, and is harmful

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<sup>207</sup> Human Rights Watch consultation with NGOs working on child labor, Conakry, December 5, 2006.

<sup>208</sup> Article 79 of the Constitution provides that, "Les traités ou accords régulièrement approuvés ou ratifiés ont dès leur publication une autorité supérieure à celle des lois sous réserve de réciprocité." ("[International] treaties or agreements approved or ratified by regular process have, as of their publication, an authority higher than that of laws subject to reciprocity." Unauthorized translation by Human Rights Watch.)

<sup>209</sup> International Labor Office Geneva, *Helping Hands or Shackled Lives?*, p. VII.

<sup>210</sup> The best interest of the child is a general principle underlying the Convention of the Rights of the Child, art.3.

to their physical and mental development.”<sup>211</sup> In particular, child labor often interferes with children’s schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to combine school attendance with excessively long and heavy work.<sup>212</sup>

International treaties address the circumstances under which children may work and define standards to protect children from the harmful consequences of child labor. Namely, children are protected from the worst forms of child labor; from working below the age of 15; and from child labor that has a negative impact upon the child’s education.<sup>213</sup>

### *Worst Forms of Child Labor*

Some types of child labor are legally defined as “worst forms of child labor.” The Worst Forms of Child Labor Convention (ILO Convention No. 182) defines this term more precisely. Among the worst forms of child labor, it lists “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict.” Worst forms of labor also comprise “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”<sup>214</sup> According to the ILO, this definition includes work that exposes children to physical, psychological or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; work in an unhealthy environment which may expose children to hazardous substances, agents or processes, or to

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<sup>211</sup> International Program on the Elimination of Child Labor, “Child Labor and IPEC – an Overview,” <http://www.ilo.org/public/english/region/asro/manila/ipec/about/overview.htm> (Accessed March 22, 2007). This definition is not contained as such in any international standard, but extrapolates from the definition of light work, as it is defined in the Minimum Age Convention, art. 7.

<sup>212</sup> International Program on the Elimination of Child Labor, “Child Labor and IPEC – an Overview.”

<sup>213</sup> ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Worst Forms of Child Labor Convention), adopted June 17, 1999, 38 I.L.M. 1207, entered into force November 19, 2000, ratified by Guinea on June 6, 2003, art. 3; ILO Convention No. 138 concerning the Minimum Age for Admission and Employment (Minimum Age Convention), adopted June 26, 1973, 1015 U.N.T.S. 297, entered into force June 19, 1976, ratified by Guinea on June 6, 2003 art. 2. Convention on the Rights of the Child.

<sup>214</sup> Worst Forms of Child Labor Convention, art. 3.

temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employers.<sup>215</sup> Some of these provisions are directly relevant to child domestic workers who are frequently exposed to the risk of sexual abuse, carry heavy loads, work long hours, work at night and cannot leave their employers' premises. The Worst Forms of Child Labor Convention also highlights the particular vulnerability of hidden work situations, in which girls are at special risk.<sup>216</sup>

Under the Worst Forms of Labor Convention, states have an obligation to set up time-bound measures to eliminate the worst forms of child labor as a priority. Such programs should provide direct assistance for the removal of children from the worst forms of child labor and for their rehabilitation and social integration; ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labor; and identify and reach out to children at special risk.<sup>217</sup> With the support of the ILO, some countries have defined hazardous labor in their national laws. Guinea has not done so, but this could be a useful step to enforcing the ban on the worst forms of child labor.

[image]

Eighteen-year-old former domestic worker. © 2007 Susan Meiselas/Magnum Photos

### *Minimum age*

International law requires states to set a minimum age for employment. Under the Minimum Age Convention, the minimum age for admission to employment is 15, i.e. one year under the minimum age set in Guinean law. Countries where the economy and educational facilities are insufficiently developed may set the minimum age at 14, after consultation with the organizations of employers and workers concerned.<sup>218</sup>

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<sup>215</sup> ILO, R 190, Worst Forms of Child Labor Recommendation, 1999, para. 3, <http://www.ilo.org/ilolex/english/recdisp2.htm> (Accessed March 21, 2007).

<sup>216</sup> Worst Forms of Child Labor Convention, art.2.

<sup>217</sup> Worst Forms of Child Labor Convention, art.7.

<sup>218</sup> Minimum Age Convention, art. 2, <http://www.ohchr.org/english/law/ageconvention.htm> (Accessed March 21, 2007). Light work, however, may be permitted for children between the ages of 13 and 15, or in cases where countries whose economy and educational facilities are insufficiently developed, between 12 and 14. According to Article 7, light work is "not likely to be

However the ILO has stated that countries should aim to raise the minimum age for employment to 16 years; Guinean law by setting the minimum age at 16, is potentially, on the books at least, progressive on this issue.<sup>219</sup> However, the fact that this protection can be overridden by parental consent, and girls under 16 can be lawfully employed under Guinean law, means in practice that the ILO standards to which Guinea is legally bound, are not being enforced. Under international law, no minor shall do any type of employment that belongs to the worst forms of child labor.<sup>220</sup>

### *Labor rights*

When children above the legal minimum age are employed, they have to be protected under labor laws; the conditions in which children are employed must reach and maintain a satisfactory standard. In particular, children like adults have a right to fair remuneration, based on the principle of equal pay for equal work. The number of daily and weekly hours, which children work, must be strictly limited. Overtime is prohibited, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities. Children must have a minimum consecutive period of 12 hours night rest, and of customary weekly rest days; they have a right to an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults. And children must be covered by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be. Finally, the work place must offer satisfactory standards of safety and health and appropriate instruction and supervision.<sup>221</sup>

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harmful to [children's] health or development"; and does not "prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received."

<sup>219</sup> ILO, R 146, Minimum Age Recommendation, 1973, para. 7, <http://www.ilo.org/ilolex/english/recdisp2.htm> (Accessed March 22, 2007).

<sup>220</sup> Minimum Age Convention, art.3. A table listing the different minimum ages according to type of work and country is available from the International Program on the Elimination of Child Labor, "Child Labor and IPEC – an Overview."

<sup>221</sup> ILO, R 146, Minimum Age Recommendation, 1973, para. 13, <http://www.ilo.org/ilolex/english/recdisp2.htm> (Accessed March 22, 2007).

## *Trafficking*

Trafficking of children is prohibited by the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol).<sup>222</sup> The Protocol defines trafficking of children as follows:

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons.’<sup>223</sup>

Exploitation is defined as follows:

Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>224</sup>

The definition of trafficking of adults is slightly less broad, as it only applies if certain methods are used, such as “means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.”<sup>225</sup> Whether children or adults, the protocol makes it clear that actions can be trafficking even if the victim has given his or her consent.<sup>226</sup>

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<sup>222</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003, Guinea acceded to the Trafficking Protocol on November 9, 2004. The Trafficking Protocol is also sometimes called Palermo Protocol.

<sup>223</sup> Trafficking Protocol, art. 3 (c).

<sup>224</sup> Trafficking Protocol, art. 3 (a).

<sup>225</sup> Trafficking Protocol, art. 3 (a).

<sup>226</sup> Trafficking Protocol, art. 3 (b).

### *Forced labor and practices akin to slavery*

When girls are sent to work as child domestic workers, they may become victims of exploitation, as defined here, in particular victims of forced labor or services, slavery or practices similar to slavery, or servitude. These abuses are defined more in-depth in other instruments.

The Forced Labor Convention defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>227</sup> In addition, more recently, international legal instruments have also elaborated definitions of institutions and practices similar to slavery. Those practices include debt bondage, the practice of requiring debtors to provide personal services (usually work) that are not equivalent to the amount of the debt, or where the nature and length of the services are not determined. Another such practice is serfdom, the condition of a tenant who is bound to live and labor on land belonging to another person and to render a service to such person, whether for reward or not, and who is not free to change his status.<sup>228</sup> The Trafficking Protocol also states that trafficking might be present when there is exploitation or the prostitution of others or other forms of sexual exploitation.

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography complements the Trafficking Protocol. It defines the sale of children as any transaction whereby a child is transferred by a person or group to another for remuneration or any other consideration.<sup>229</sup> It emphasizes that “a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation and that girl children are disproportionately represented among the sexually exploited.”<sup>230</sup>

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<sup>227</sup> ILO Convention No. 29 concerning Forced or Compulsory Labor (Forced Labor Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Guinea on January 21, 1959, art. 2.

<sup>228</sup> Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, art. 1 (Add para. (d)?), <http://www.ohchr.org/english/law/slavetrade.htm> (Accessed March 20, 2007).

<sup>229</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted May 25, 2000, G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc A/54/49 Vol. III (2000), entered into force January 18, 2002, art.2 (b); Guinea has not ratified the Optional Protocol.

<sup>230</sup> Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, preamble.

### *The duties of parents, guardians and other persons responsible for the child*

The preamble to the Convention on the Rights of the Child states that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”<sup>231</sup>

The convention recognizes that many children do not live with their parents, but with other relatives or legal guardians. It stresses that these caregivers have the same duty to assure the well-being of the child. Parents, guardians and other persons in whose care a child finds himself or herself, have the “primary responsibility for the upbringing and development of the child,” and have to act in the “best interests of the child.”<sup>232</sup> They also have the “primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.”<sup>233</sup>

However, if children are abused by their care givers, the state must protect children from abusive situations and, if necessary, ensure alternative care for such a child, for example through foster placement, adoption, or placement in suitable institutions for the care of children.<sup>234</sup> Neither parenthood nor guardianship—legal or de facto—gives adults a right to exercise such control over a child that his or her rights are violated.

### *Right to education*

The right to education is enshrined in international law. Both the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights spell this right out in some detail. States are required to make primary education compulsory and free to all,<sup>235</sup> and to protect children from work that interferes with their education.<sup>236</sup>

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<sup>231</sup> Convention on the Rights of the Child, preamble.

<sup>232</sup> Convention on the Rights of the Child, art.18. See also Chapter IV on “The Legal Framework,” below.

<sup>233</sup> Convention on the Rights of the Child, art.27.

<sup>234</sup> Convention on the Rights of the Child, art. 20, 21.

<sup>235</sup> Convention on the Rights of the Child, arts. 28 and 29; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, ratified by Guinea on April 24, 1978, art. 13.

<sup>236</sup> Convention on the Rights of the Child, art. 32.

The African Charter on the Rights and Welfare of the Child also recognizes the right to education, and requires countries to “take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community.”<sup>237</sup> Furthermore, the Worst Forms of Labor Convention highlights the “importance of education in eliminating child labor” and calls upon states to ensure access to free basic education and vocational training.<sup>238</sup>

### *Protection against discrimination and violence*

The principle of non-discrimination and the obligation not to discriminate on a number of protected grounds including gender is well established in international law. Specifically, the Convention on the Rights of the Child<sup>239</sup> and the African Charter for the Rights and Welfare of the Child<sup>240</sup> protect children from discrimination based on gender. The Convention for the Elimination of All Forms of Discrimination against Women goes beyond this and requires States to take specific measures to reduce and abolish gender-related discrimination in all spheres of life.<sup>241</sup> In the case of Guinea, girl domestic workers frequently suffer gender discrimination from their parents and guardians. They are prevented from going to school and are subject to gender-specific labor exploitation.

Under international law, children are protected against abuses such as physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.<sup>242</sup> While parents or legal guardians have primary responsibility for a child’s well-being, the state has to initiate legislative, administrative, social and educational measures to protect children from such abuse. These measures should include social programs to provide necessary support for

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<sup>237</sup> African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Guinea on May 27, 1999, art. 11, 3 (e).

<sup>238</sup> Worst Forms of Child Labor Convention, art.7.

<sup>239</sup> Convention on the Rights of the Child, art. 2 (1).

<sup>240</sup> African Charter on the Rights and Welfare of the Child.

<sup>241</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted December 18, 1979, G.A. res 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Guinea on August 9, 1982.

<sup>242</sup> Convention on the Rights of the Child, art. 19; African Charter on the Rights and Welfare of the Child, art. 16.

children and their guardians, and programs for the identification, reporting, referral, investigation, treatment and follow-up judicial action regarding instances of maltreatment.<sup>243</sup>

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<sup>243</sup> Convention on the Rights of the Child, art. 18, 19 (2).

## V. Legal, Policy and Programmatic Responses to Protect Child Domestic Workers

### The political and economic context

#### *The Guinea crisis and January–February 2007 protests*

President Conté's presidency has been characterized by authoritarian rule, corruption, lack of respect for human rights and poor development practices. For years, Guineans endured the situation without much protest. This seeming stoicism changed over the past year when Guinea's two most powerful trade unions organized strikes. The first two strikes took place in February and June 2006, and demonstrated that trade unions were able to lead popular protests with a capacity to paralyze economic activity throughout the country.<sup>244</sup>

President Conté's personal visit to Conakry's central prison to free two close allies held on suspicion of corruption sparked a third protest in January 2007.<sup>245</sup> Under the leadership of the trade unions, Guineans took to the streets and this time demanded not only an improvement of their economic situation, but the nomination of a consensus prime minister with the power to form a consensus government.<sup>246</sup> Over the course of the strike, security forces made frequent use of excessive and lethal force on unarmed demonstrators. According to the government, 129 people were killed and over 1,700 injured.<sup>247</sup> On January 27, as part of a deal to end the strike, the government and the trade unions finally signed an agreement in which the government committed itself to name a new consensus prime minister and agreed to other concessions demanded by the unions, including reduction of fuel and rice

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<sup>244</sup> Human Rights Watch, *The Perverse Side of Things*.

<sup>245</sup> "Guinée: Grève générale anti-corruption," RFI, January 10, 2007, [http://www.rfi.fr/actufr/articles/o85/article\\_48793.asp](http://www.rfi.fr/actufr/articles/o85/article_48793.asp) (Accessed April 11, 2007).

<sup>246</sup> Human Rights Watch, *Dying For Change*, p.14; "Politique: Avis de grève générale. Le texte integral en exclusivité," GuinéeNews, January 3, 2007, <http://www.guineenews.org/articles/article.asp?num=2007138129> (Accessed March 19, 2007).

<sup>247</sup> Human Rights Watch, *Dying for Change*; International Crisis Group, "Change or Chaos," Africa Report No.121, February 14, 2007, [http://www.crisisgroup.org/library/documents/africa/west\\_africa/121\\_guinea\\_\\_\\_change\\_or\\_chaos.pdf](http://www.crisisgroup.org/library/documents/africa/west_africa/121_guinea___change_or_chaos.pdf) (Accessed May 7, 2007).

prices.<sup>248</sup> However, popular fury hit its peak when President Conté broke the accord and named a close ally, Eugène Camara, as prime minister. Further protests rocked the country, and government institutions were occupied and looted by the angry population. The government declared martial law and the army committed further serious abuses against protesters and bystanders across the country.<sup>249</sup>

### *A new start*

Under serious pressure from within and outside the country, President Conté finally named a consensus prime minister, Lansana Kouyaté, from a short list provided to him by the trade unions. Many observers hope that this career diplomat and expert in development issues will be able to start the long-awaited structural changes that the country needs. In late March 2007, Kouyaté announced the creation of a new government, in which none of the previous power holders were present. In his speech to the nation, he promised to tackle the “catastrophic situation” urgently, prioritizing national unity, the rule of law and better living conditions for ordinary people, particularly youths.<sup>250</sup> There might now be real opportunity to address structural problems underpinning Guinea’s politics and economy. As of April 2007, Guineans were hopeful that the new government would finally improve their situation.

### *Donor aid*

Some donors have been reluctant to channel funds to Guinea, due to their concerns regarding human rights, governance and corruption. The European Union suspended development funds in 2002 and permanently blocked them in 2003, invoking the Cotonou Agreement, which obliges EU partner states to respect human rights and democracy. It did so following presidential elections that were marred with

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<sup>248</sup> “Le texte intégral des accords entre les syndicalistes et l’Etat guinéen,” GuinéeNews, January 28, 2007, <http://www.guineenews.org/articles/outils/print.asp?ID=200712854911> (Accessed April 11, 2007). The accord also foresaw that the trial against Sylla and Soumah, the two powerful men suspected of corruption, should be continued without interference from the executive.

<sup>249</sup> Human Rights Watch, *Dying for Change*.

<sup>250</sup> “Guinea’s leader names government,” BBC, March 28, 2007, <http://news.bbc.co.uk/2/hi/africa/6505263.stm> (Accessed April 11, 2007).

irregularities.<sup>251</sup> However, bilateral donors have not similarly restricted aid. The United States has continued to provide development assistance to Guinea and has been Guinea's top bilateral donor in recent years. Between 2004 and 2006, US assistance was between about \$14 million and \$19 million per year.<sup>252</sup> The United States considers Guinea a stabilizing force in the region, and there is significant US private investment in Guinea's bauxite industry.<sup>253</sup>

After the new government took office in March 2007, the European Union finalized a deal of over €118 million through the 9<sup>th</sup> European Development Fund (EDF). The EU also committed separate financial support for the parliamentary elections scheduled for June 2007.<sup>254</sup> The UN Secretary-General has called upon the international community to increase its economic cooperation with the government,<sup>255</sup> and the UN Central Emergency Response Fund immediately released \$2.35 million for urgent humanitarian assistance. France has also pledged immediate humanitarian assistance and offered support in the future.<sup>256</sup> Provided that the Kouyaté government continues efforts to implement much needed political and economic reforms, donors are likely to start to increase funding for Guinea in the near future.

## **Policies and programs to protect children from abuse, labor exploitation and trafficking**

Despite legal prohibitions, girl domestic workers are regularly subjected to physical and sexual abuse, labor exploitation, and trafficking. Many Guineans regularly break the law not only by employing underage girl domestic workers, but also by subjecting them to sexual and physical abuse, exploitation, forced labor and trafficking. In

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<sup>251</sup> In late 2006, the EU indicated it might start development aid again; this happened after the Guinean government fulfilled one of the conditions imposed by the EU, the licensing of privately owned radio stations; IRIN, "Guinea: EU aid back but social problems remain."

<sup>252</sup> USAID, "Guinea budget," <http://www.usaid.gov/policy/budget/cbj2006/afr/gn.html>, (Accessed April 12, 2007).

<sup>253</sup> USAID, "Guinea Strategy Statement," [http://www.usaid.gov/gn/mission/strategy/guinea\\_strategy\\_statement\\_2006-08.pdf](http://www.usaid.gov/gn/mission/strategy/guinea_strategy_statement_2006-08.pdf) (Accessed April 12, 2007).

<sup>254</sup> "Un don de 7,5 millions d'euros de l'UE pour appuyer les élections législatives de juin 2007 en Guinée," January 6, 2007, [http://www.apanews.net/elect\\_article.php?id\\_article=18188](http://www.apanews.net/elect_article.php?id_article=18188) (Accessed April 12, 2007).

<sup>255</sup> "Secretary-General calls for aid for Guinea after accord on new prime minister," UN News Centre, February 27, 2007, <http://www.un.org/apps/news/story.asp?NewsID=21694&Cr=guinea&Cr1=> (Accessed April 12, 2007).

<sup>256</sup> "Guinea: Cash for water, sanitation and health," IRIN, March 2, 2007, <http://www.irinnews.org/Report.aspx?ReportId=70495> (Accessed April 12, 2007).

practice, these abuses almost always go unpunished and are often not even considered crimes. While girl domestic workers are not the only children suffering from these abuses, they are particularly vulnerable due to their gender, the absence of their biological parents, and their background from mostly poor rural families.

Beyond the legal prohibitions, government policies and programs do not effectively protect girl domestic workers against abuses. Guinea, like most African countries, does not have a system of child protection services. The Ministry of Social Affairs has a *Direction de l'Enfance* which develops and leads child policies, but it is not operational itself. Rather, the Ministry has contracts with Guinean NGOs that carry out some protection activities. NGOs fulfill an extremely important role in providing some protection for child domestic workers, along with other children. However national NGOs cannot currently fill this protection gap. They already carry out many tasks simultaneously with limited human resources, insufficient training and inadequate funding.

When child protection programs are initiated, they are often targeted towards a particular category, such as girls, orphans and vulnerable children (“OVCs”) affected by HIV/AIDS, refugee children, trafficking victims, and child laborers. These programs might include child domestic workers, but unless there is a specific focus in programming on this group, there is also a risk that the needs of these girls will go unaddressed.

### *Protection against physical and sexual abuse*

Corporal punishment and other forms of physical violence against children are prohibited in schools and in the home, but little is done to enforce this. The Ministry of Social Affairs does not have child protection services. However, in extreme cases, its officials have intervened to protect children who were abused and needed to be removed from their environment; they have usually done so with the assistance of local NGOs. The Ministry also keeps a registry of grave cases of child abuse. In one case, where a mother burnt her daughter with boiling water, officials started judicial proceedings to prosecute the mother.<sup>257</sup>

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<sup>257</sup> Human Rights Watch interviews with Legal Advisor to the Minister of Social Affairs, Conakry, February 5, 2007.

Most child protection work is done by national NGOs, with financial support from international donors. They have programs to monitor the well-being of children and intervene in cases of child abuse. Two such groups, AGUIAS and ACEEF, are focused on the situation of girl domestic workers. They have monitoring networks in Conakry, Kindia, Boke and Forécariah (Lower Guinea), Labe and Mamou, (Middle Guinea), Kissidougou and Macenta (Forest Region). They initiate dialogue with the guardians of the girls and attempt to improve their situation in the family. When such dialogue does not work or is impossible, they have also removed girls from employer families and placed them in shelters or foster families, or have assisted with taking them back to their parents or other relatives. During our research, we met many girl domestic workers who had directly benefited from the interventions of AGUIAS and ACEEF. These NGOs had listened to their concerns and worries, provided psychological support, convinced their guardians to allow them to go to school or get vocational training, enrolled them at school or identified a suitable apprenticeship for them, and even removed them from abusive families and placed them in a protective environment. However at present, there is no legal framework to regulate the role and authority of these NGOs working with children. Given the important role the NGOs play, the direct impact their work has for the rights of children and their families, and their de facto provision of a public service to vulnerable children, it is essential that steps are taken to ensure a legal basis for their work and a legal framework within which they can continue to operate. This should complement the role and framework for state child protection services.

[image]

A former domestic worker having her hair braided by other former domestic workers learning to become hairdressers at a training centre run by a Guinean NGO, AGUIAS (Association Guinéennes des Assistantes Sociales).  
© 2007 Susan Meiselas/Magnum Photos

Various agencies run programs on women's rights issues to strengthen the social position of women and girls and help to prevent violence against them. These programs are of great importance for girl domestic workers who are particularly vulnerable to abuse. For example, the Guinean National Coalition for women's rights and citizenship (Coalition nationale de Guinée pour les droits et la citoyenneté des femmes, CONAG-DCF) documents violence against women, assists women in prison, and carries out awareness-raising activities on early marriage and other girls' rights

concerns.<sup>258</sup> In addition, several agencies have programs that provide rapid intervention services, social assistance and rehabilitation services for victims of sexual abuse, and medical treatment. AGUIAS has also recently opened a safe house for women and girls who are victims of sexual or physical abuse, and it has a hotline for victims of sexual violence.<sup>259</sup> In the war-affected Forest Region, UNICEF is supporting existing health structures in offering voluntary counseling and testing for HIV/AIDS, programs to prevent the transmission of AIDS from mother to child, and other treatment for AIDS patients and victims of sexual violence. UNICEF has also established child protection committees in the Forest Region. The aim of these bodies is to monitor child rights issues at the local level and refer cases or intervene where necessary.<sup>260</sup> The committees are composed of local government officials, youth groups, NGOs, education officials, and other members of the local community.<sup>261</sup>

Child protection does not only comprise physical protection from abuse; it also means psychological support for victims. In March 2007, UNICEF and the Ministry of Social Affairs started a training program for social assistants and medical staff on psychological assistance for victims of trauma across the country. The response of health structures and NGOs to the influx of victims of violence during January and February 2007, highlighted the need for better services:

There was a remarkable good will of health centre and hospital staff, and of NGOs that worked to register cases of victims such as children and raped women for referral. But one could feel the absence of a coordinated and coherent response among all actors in the psychosocial field.<sup>262</sup>

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<sup>258</sup> Human Rights Watch interview with Nanfadima Magassouba, head of CONAG, and staff member, Conakry, February 9, 2007.

<sup>259</sup> It was created by an international NGO, ARC, in 2005, and handed over to AGUIAS in 2006. Human Rights Watch interview with Aïssatou Barry, head of AGUIAS, Conakry, December 5, 2007.

<sup>260</sup> UNICEF, "Humanitarian Action Report 2007," p. 217-220.

<sup>261</sup> UNICEF, "Les comités locaux de protection/CLP et son dispositif communautaire de protection," undated document; Human Rights Watch interview with UNICEF Child Protection Officer, Conakry, December 5, 2006.

<sup>262</sup> "Renforcer – les capacités des travailleurs sociaux," JMJ Newsroom, March 14, 2007, [http://www.justinmoreljunior.net/jmj\\_newsroom/lire\\_l\\_article.html?tx\\_ttnews%5Bpointer%5D=3&tx\\_ttnews%5Btt\\_news%5D=755&tx\\_ttnews%5BbackPid%5D=46&cHash=31c20ac5a5](http://www.justinmoreljunior.net/jmj_newsroom/lire_l_article.html?tx_ttnews%5Bpointer%5D=3&tx_ttnews%5Btt_news%5D=755&tx_ttnews%5BbackPid%5D=46&cHash=31c20ac5a5) (Accessed April 14, 2007).

This statement can be applied to the area of child protection more generally. While current efforts by Guinean and international actors are important, they are not systemic and by no means sufficient to deal even with the most urgent needs of victims of abuse. A particular problem is the issue of foster care and shelters. When children have been removed from an abusive family, they need to be placed in a protective and caring environment. But choosing foster parents and monitoring their conduct is time-consuming and difficult. Shelters usually do not offer long-term care and also need to be monitored carefully.

On the international level, violence against children came into focus during 2006 when the UN finalized its in-depth study on the issue. The study documents violence against children in the home, in schools, at the work place, in care and justice systems, and in the community. It also looks at the plight of child domestic workers and makes detailed recommendations on how to better protect children.<sup>263</sup> The UN General Assembly has welcomed the report and called upon states to implement its recommendations.<sup>264</sup>

### *Combating child labor*

Up to now, the government has lacked the capacity and political will to address the problem of child labor seriously. There is no list of hazardous work that helps guide policies on eliminating all forms of hazardous labor among children. There are labor tribunals, but they are not used by child domestic workers. While their mandate would include this group, few child domestic workers are aware of their rights. The Ministry has labor inspectors, but they rarely inspect places where child labor occurs, and have not taken up the issue of child domestic workers, seemingly because this is not considered a priority. The ILO has assisted the Ministry of Labor in producing a circular on inspecting child labor on plantations with the aim of providing information and guidance on how to monitor child labor.<sup>265</sup> However, the situation has not changed thus far. There is an opportunity now for the new government to take the issue more

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<sup>263</sup> Paulo Sérgio Pinheiro, *World Report On Violence Against Children*.

<sup>264</sup> UN General Assembly, "Resolution 61/146. Rights of the Child," A/RES/61/146, January 23, 2007, [http://www.violencestudy.org/IMG/pdf/A\\_RES\\_61\\_146.pdf](http://www.violencestudy.org/IMG/pdf/A_RES_61_146.pdf) (Accessed April 14, 2007). Violence against children has also been a theme raised by the UN in the field. On June 16, 2006, the Day of the African Child, UNICEF in Conakry published an appeal to protect children against physical violence.

<sup>265</sup> Human Rights Watch interview with ILO representative, Conakry, February 6, 2007.

seriously and initiate effective measures to end child labor below the age of 15, and ban all involvement of children in hazardous forms of child labor.

In Guinea, the ILO has recently focused on child labor in agriculture. In the course of its West Africa Commercial Agricultural Project, it has removed 760 children from this type of work.<sup>266</sup> In addition, the ILO has played a key role in developing strategies to prevent trafficking in child labor.<sup>267</sup> Another important contribution from the ILO is a recent in-depth study on child labor in Guinea. This study for the first time provides detailed statistical information on the proportion of children who are involved in child labor including in the worst forms of child labor, the social background of child laborers, the different types of child labor, trafficking and related issues.<sup>268</sup> On the regional level, the ILO has committed itself to prioritizing an end to the worst forms of child labor. At the Eleventh African Regional Meeting of the ILO in Addis Ababa, in April 2007, the ILO developed an action plan around the “Decent Work Agenda in Africa 2007-2015.” It recommends that all African states prepare time-bound action plans by 2008, with a view to eliminating the worst forms of child labor by 2016.<sup>269</sup>

Several international and national organizations work on the issue of child labor, such as Save the Children, Anti-Slavery International, the Guinean Association for Young Workers (Association des Jeunes Travailleurs), ACEEF and AGUIAS. Recently UNICEF funded a government study on child labor in the mines.<sup>270</sup> Anti-Slavery International, a UK-based international NGO, in particular has strong expertise on issues regarding child domestic workers in various parts of the world and has been developing important advocacy tools.<sup>271</sup> In West Africa in particular, the organization

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<sup>266</sup> Ibid.

<sup>267</sup> On anti-trafficking measures, see below.

<sup>268</sup> Guinée Stat Plus / BIT, “Etude de base sur le travail des enfants en Guinée.”

<sup>269</sup> “ILO Urges Africans to Fight Child Labour,” BuaNews, April 27, 2007, <http://allafrica.com/stories/200704270200.html> (Accessed May 8, 2007); ILO, “The Decent Work Agenda in Africa: 2007-2015,” Report of the Director-General, Eleventh African Regional Meeting, Addis Ababa, April 2007, para. 231, <http://www.ilo.org/public/english/standards/relm/rmeet/11afrm/dg-thematic.pdf> (Accessed May 8, 2007).

<sup>270</sup> Ministère des Affaires Sociales/ Ministère de l’Emploi, “Etude sur les enfants travaillant dans les mines et carrières,” 2006.

<sup>271</sup> Anti-Slavery International, *Child domestic workers: A handbook on good practice in programme interventions* (London: Anti-Slavery International 2005), <http://www.antislavery.org/homepage/resources/child%20domestic%20workers%20a%20handbook%20on%20good%20practice%20in%20programme%20interventions.pdf> (Accessed May 7, 2007); Anti-Slavery International, *Child domestic workers:*

has developed a Code of Conduct for child domestic workers that is being used by local NGOs to encourage better behavior on the part of employers.<sup>272</sup>

The US government monitors child labor practices around the world and publishes an annual report with an overview of the situation in individual countries.<sup>273</sup> The report helps keep attention on the issue and provide up-to-date information.

### *International and regional efforts to end trafficking in West Africa*

Over the past few years, the Guinean government has initiated measures to end trafficking in the country and in the sub-region. UNICEF, the International Organization for Migration (IOM) and various international and national NGOs also play a key role in combating trafficking. However, current anti-trafficking efforts are also fraught with a number of difficulties. In the absence of a rights-based framework and clear guidelines regarding legitimate migration, the current focus on stopping trafficking at and near borders bear the risk of violating the freedom of movement of young people. In addition, current anti-trafficking measures are hampered by several practical and strategic limitations as will be discussed further below.

### *Various actors*

In 2003, the Ministry of Social Affairs commissioned an in-depth study on the problem of trafficking, which has helped inform policy.<sup>274</sup> UNICEF has made anti-trafficking work one its priority areas and provides the government with significant financial and technical assistance. For example, UNICEF's West and Central Africa Regional Office, together with other actors has developed the "Guiding Principles for the Protection of Child Victims of Trafficking" to advise and guide policy and program responses.<sup>275</sup> Through collaboration with local NGOs such as ACEEF and *Sabou Guinée*, the International Organization for Migration (IOM) runs a program for the

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*Finding a Voice. A handbook on advocacy* (London: Anti-Slavery International 2002), <http://www.antislavery.org/homepage/resources/AdvocacyHandbookEng.pdf> (Accessed May 7, 2007).

<sup>272</sup> Anti-Slavery International, "Sub Regional Project on Eradicating Child Domestic Work and Child Trafficking in West and Central Africa. Code of Conduct," 2004, <http://www.antislavery.org/homepage/resources/PDF/Code%20of%20Conduct%20final.PDF> (Accessed May 7, 2007).

<sup>273</sup> For recent reports, see the website of the US State Department's Bureau of International Labor Affairs, <http://www.dol.gov/ilab/media/reports/iclp/main.htm> (Accessed May 7, 2007).

<sup>274</sup> Stat View International, "Enquête nationale sur le trafic des enfants en Guinée."

<sup>275</sup> UNICEF, "Principes directeurs pour la protection des droits des enfants victimes de la traite," 2005.

return and reintegration of trafficked children who have been exploited in Guinea, or who are of Guinean origin.<sup>276</sup> UNICEF and other actors, such as the US government and other government donors, also support national NGOs in their efforts to combat trafficking. Much of the identification and assistance work for trafficking victims comes from AGUIAS, ACEEF, *Sabou Guinée*, and other national associations. In addition, Save the Children, *Terre des Hommes* and other international agencies provide practical help for victims.

### *The Mali-Guinea Anti-Trafficking Accord, June 2005*

On the regional level, the Malian and Guinean governments signed an anti-trafficking accord in June 2005.<sup>277</sup> The accord is ambitious. It foresees a range of measures, such as exchange of information and the creation of a common mechanism for identifying and registering trafficking cases; the elaboration of national action plans; the creation of a fund for trafficking victims; harmonizing trafficking legislation; prosecution of trafficking; programs to increase birth registration; outreach to communities in sending areas; mechanisms for repatriation of trafficking victims; and rehabilitation of victims.<sup>278</sup>

Since the signing of the accord, the Guinean and Malian governments have remained in regular contact and held a follow-up meeting to assess progress. Further meetings to monitor progress of the implementation are planned.

Both governments have undertaken some important steps to implement the accord. The Malian government has undertaken various activities on its side. These include an information campaign on the need for a travel document for children; the creation of a government coordinating body on trafficking; training on trafficking for security forces, social assistants, labor inspectors and other relevant actors; and repatriation and assistance for trafficking victims.<sup>279</sup> It also includes the strengthening and expansion of surveillance committees. These multi-stakeholder local committees,

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<sup>276</sup> Human Rights Watch telephone interview with IOM representative in Dakar, May 8, 2007.

<sup>277</sup> "Accord de Coopération entre le Gouvernement de la République du Mali et le Gouvernement de la République de Guinée en matière de lutte contre la traite des enfants," June 16, 2005.

<sup>278</sup> République de la Guinée, "Présentation Rapport Guinée," Bamako, November 2006.

<sup>279</sup> République du Mali, "Présentation Rapport Mali," Bamako, November 2006.

established by the government and UNICEF have been set up in several countries in West Africa<sup>280</sup> to sensitize local communities about trafficking and stop potential trafficking victims from leaving, but have sometimes stopped regular migration, as recent studies have pointed out.<sup>281</sup>

The Guinean government has also initiated some important activities to fight trafficking, though they do not all relate directly to trafficking between Mali and Guinea. A particularly important step was the creation of the *Police mondaine*, a police unit responsible for investigating crimes of child prostitution, child trafficking, child abuse, as well as so-called matters of public morality, such as prostitution.<sup>282</sup> While understaffed and lacking presence in some parts of the country, the *Police mondaine* have significantly enhanced government capacity to investigate such crimes. This means that more cases of alleged trafficking and child abuse are now before the courts.<sup>283</sup> The *Police mondaine* have also carried out training with security forces at the border on issues around child protection and trafficking. The aim of these activities is to acquaint border officials, social workers and other government representatives in the border areas with the problem of trafficking, provide them with tools to identify trafficking and involve them in prevention work.<sup>284</sup> There have been some joint Malian-Guinean border patrols.<sup>285</sup> IOM also is currently in the process of planning training on trafficking issues for law enforcement officials, including members of the judiciary.<sup>286</sup> Unfortunately, current activities lack an explicit rights

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<sup>280</sup> UNICEF Innocenti Research Centre, *Child Trafficking in West Africa*, p.14-16

<sup>281</sup> Castle and Diarra, *The International Migration of Young Malians*, p.180-185; Joanna Busza, Sarah Castle and Aisse Diarra, "Trafficking and Health," *British Medical Journal*, vol. 328, June 5, 2004, p.1369-1371; Dottridge and Feneyrol, "Action to strengthen indigenous child protection mechanisms in West Africa."

<sup>282</sup> Human Rights Watch interview with Commissaire Bakary, head of the *Police mondaine*, Conakry, February 6, 2007. Such police forces exist in many countries and are often set up to crack down on prostitution. In Guinea, the focus of this police force is on crimes against children, including child prostitution.

<sup>283</sup> See subsection on prosecution, below.

<sup>284</sup> Human Rights Watch interview with ACEEF staff, February 2007; Ministère de la Sécurité, Division Police Mondaine, "Atelier de formation de 40 cadres des forces de sécurité et des Assistants sociaux de la région de Kankan," 2006.

<sup>285</sup> Human Rights Watch interview with representatives of the Children at Risk Unit, Ministry of Social Affairs, February 5, 2007; République de la Guinée, "Présentation Rapport Guinée," Bamako, November 2006.

<sup>286</sup> Human Rights Watch telephone interview with IOM representative in Dakar, May 8, 2007.

framework spelling out the right to freedom of movement, and differences between migration and trafficking.<sup>287</sup>

Furthermore, the Guinean government and UNICEF are in the process of creating local child protection committees in Upper Guinea. As mentioned above, such committees already exist in the Forest Region, where they were partly created as a response to trafficking between Liberia, Côte d'Ivoire and Guinea; their aim is to provide child protection on the local level. The government's plan is to create four such committees in Upper Guinea.<sup>288</sup> Given the problematic experience with surveillance committees in other countries and the need for a broader child protection mandate, the creation of committees with a wider child protection mandate seems appropriate.

The Guinean government and UNICEF have also initiated some important sensitization work. Various media such as street theatre, billboards, radio and TV programs are used to reach out to the population and explain the issue of trafficking through simple, non-technical messages.<sup>289</sup> Though not solely related to the Mali-Guinea accord, these activities are essential to addressing the problem.

The government has also created a coordinating body, the National Committee Against Trafficking, which brings together officials from Ministries, the police, the judiciary, UNICEF, NGOs and other actors involved in anti-trafficking work. While some actors on the Committee are in regular contact, the Committee itself rarely meets.<sup>290</sup> At present, the government is also in the process of drafting new legislation on trafficking of women and children. The new law aims to be more specific regarding the needs of children and women; it is also described as part of the process of harmonization of legal standards at the regional level.<sup>291</sup>

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<sup>287</sup> Comité Interministériel de Lutte contre la Traite des Personnes, "Plan d'action national de lutte contre la traite des personnes, en particulier les femmes et les enfants, 2005-2006"; République de la Guinée, "Présentation Rapport Guinée," Bamako, November 2006; République du Mali, "Présentation Rapport Mali," Bamako, November 2006.

<sup>288</sup> Human Rights Watch interviews with UNICEF child protection officer and with representatives of the Children at Risk Unit, Ministry of Social Affairs, Conakry, February 5, 2007.

<sup>289</sup> Human Rights Watch interviews with UNICEF protection officer, Conakry, December 5, 2006 and February 5, 2007.

<sup>290</sup> Human Rights Watch interview with embassy official, Conakry, December 5, 2007.

<sup>291</sup> Human Rights Watch interview with Legal Advisor to the Minister of Social Affairs, Conakry, December 6, 2006; République de la Guinée, "Présentation Rapport Guinée," Bamako, November 2006.

### *Regional anti-trafficking accord*

In July 2006, 26 West and Central African states signed an anti-trafficking resolution<sup>292</sup> and action plan<sup>293</sup> during a ministerial conference on trafficking, organized by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS). It was the first time that a detailed anti-trafficking program was endorsed by all regional governments. The action plan envisages a wide range of activities, including the ratification of relevant international and regional standards, the development of national policies, the creation of national anti-trafficking committees, the signing of bilateral treaties, the strengthening of surveillance committees, the prosecution of trafficking, and assistance for victims of trafficking. The signatory states also commit themselves to implement the UNICEF Guidelines to Protect the Rights of Child Victims of Trafficking. The action plan foresees annual progress reports from signatories.

### *The role of the US*

In 2000, the US Congress decided to take stronger action regarding trafficking in the US and abroad and adopted the Victims of Trafficking and Violence Protection Act.<sup>294</sup> The State Department also created a new office, the Trafficking in Persons Office (TIP), which monitors trafficking across the world and annually publishes a report with detailed country chapters.<sup>295</sup> A particular characteristic of TIP's work is the categorization of countries in tiers. The tier rankings indicate the degree to which a country's government meets minimum standards for the elimination of trafficking, as defined in the 2000 Trafficking Act above. Governments of Tier 1 countries fully comply, while governments of Tier 3 countries do not fully comply and are not making significant efforts to bring themselves into compliance with these minimum standards. The US government subjects countries in Tier 3 to sanctions.<sup>296</sup> Guinea is

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<sup>292</sup> Conférence ministérielle conjointe CEDEAO/CEEAC sur la lutte contre la traite des personnes, "Résolution sur la lutte contre la traite des personnes," Abuja, July 6-7, 2007.

<sup>293</sup> Conférence ministérielle conjointe CEDEAO/CEEAC sur la lutte contre la traite des personnes, "Plan d'Action conjoint CEDEAO/CEEAC de lutte contre la traite des personnes, en particulier des femmes et enfants en Afrique de l'Ouest et du Centre (2006-2009)," Abuja, July 6-7, 2006.

<sup>294</sup> Victims of Trafficking and Violence Protection Act, 2000. Public Law 106-386, October 28, 2000.

<sup>295</sup> For the last Guinea chapter, see US State Department, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2006," p.129-130.

<sup>296</sup> US State Department, Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2006."

currently on Tier 2, which means it does not fully comply with minimum standards to eliminate trafficking but is making significant efforts to do so. However in 2005, Guinea was placed on the Tier 2 Watchlist. The Watchlist serves as a warning that a country might drop to category 3, if it does not undertake significant anti-trafficking measures. It was removed from the watchlist following the signing of the anti-trafficking accord with Mali, and actions related to it. In addition to monitoring trafficking issues in Guinea, and urging stronger action, the US embassy also provides funds for NGO projects and international agencies in this area.<sup>297</sup>

### *Challenges*

Despite significant efforts to combat trafficking, important challenges remain. First of all, identification of trafficking victims and practical assistance for victims are still difficult. As illustrated above, the government itself has no child protection capacity and therefore mostly relies on NGOs and other actors to bring cases of trafficking and exploitation to its attention. While there are some specific efforts to detect trafficking at the border, there are no such measures inside the country. Internal trafficking is therefore likely to go unnoticed, as would cases of trafficking that have not been found at the border.

Furthermore, collaboration with Malian NGOs and the Malian community in Guinea is limited. This constitutes a potential obstacle to identifying, assisting and repatriating trafficking victims. Thus, when Human Rights Watch sought assistance for several Malian girl victims of trafficking, it turned out that there was little contact between the High Council of Malians and those dealing with trafficking in the government, national NGOs, or the IOM.<sup>298</sup>

The current anti-trafficking strategy by governments and agencies across West Africa also fails to engage with intermediaries and develop methods to make migration safe; it might potentially even drive migration and trafficking further underground and hence increase risks for children traveling to work.<sup>299</sup> There is also a risk that the

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<sup>297</sup> Human Rights Watch interview with US embassy staff, Conakry, December 5, 2006.

<sup>298</sup> Human Rights Watch interview with Deputy Head of the High Council of Malians, Conakry, February 6, 2007.

<sup>299</sup> Dottridge and Feneyrol, "Action to strengthen indigenous child protection mechanisms in West Africa."

focus on trafficking only, and not on other forms of labor exploitation, might shift resources away from the broader group of victims of labor exploitation or other child abuse.

## **Prosecution of child abuse, exploitation and trafficking**

A key to child protection is prosecution of crimes against children. If abuses against children are prosecuted and punished, this should act as a deterrent by sending a clear signal as to which acts against children are illegal and that if perpetrators are identified, that they will be held to account. However, so far, there have been no prosecutions of perpetrators of crimes committed against child domestic workers and few prosecutions of perpetrators of crimes committed against other children.

In part, the lack of prosecutions reflects the weakness of the Guinean justice system. The judiciary is not independent of executive power; it is lacking financial means; judicial staff lack training; and there is an insufficient number of lawyers. In addition, corruption undermines the system. It is common that judicial staff expect bribes and that cases are thrown out because a suspect has paid a bribe.<sup>300</sup> In some cases, this has led to vigilante violence.<sup>301</sup>

While there are currently several cases of child abuse pending before the courts, there have been no prosecutions for trafficking or labor exploitation in 2006.<sup>302</sup> In previous years, a few cases of trafficking were prosecuted, but no cases of labor exploitation.<sup>303</sup> According to an investigating judge at the Court of Appeal there were several prosecutions of sexual violence in 2005 and 2006; however, it could not be

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<sup>300</sup> Human Rights Watch, "Guinée," *World Report 2007*, December 2007, <http://hrw.org/french/docs/2007/01/11/guinea14967.htm>.

<sup>301</sup> US Department of State, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices – 2006: Guinea."

<sup>302</sup> Current cases include the following: a woman in Conakry who is currently under investigation after she allegedly burnt her daughter with boiling water; a marabou in Labe, Middle Guinea, who is detained on accusations of abducting a girl; several cases of alleged trafficking in Nzérékoré, Forest Guinea; and the case of the pastor and school director. Human Rights Watch interview with Legal Advisor to the Minister of Social Affairs, Conakry, February 5, 2007; Human Rights Watch telephone interview with representative of Ministry of Social Affairs, April 18, 2007; Human Rights Watch email communication from Sabou Guinée, April 27, 2007.

<sup>303</sup> Human Rights Watch interview with ILO representative, Conakry, February 6, 2007.

verified whether these included crimes against girls.<sup>304</sup> There have been no prosecutions of persons exploiting child labor so far.

## Improving girls' access to education

Government and international donors have taken steps to increase the enrollment rate of girls in school in Guinea. Guinea was one of the first countries to join the Education for All Fast Track Initiative in 2002. The Fast Track Initiative is a multi-donor effort aiming to accelerate progress towards one of the Millennium Development Goals, universal primary education for all boys and girls.<sup>305</sup> While the enrollment of girls remains low, the situation has steadily improved since 2000.<sup>306</sup>

In the formal education sector, the government has attempted to improve access to education for girls through a variety of activities, including the construction of new schools in rural areas, awareness-raising, training for teachers on gender issues, awards and scholarships for female pupils, and improvements of the sanitary infrastructure of schools.<sup>307</sup> Some schools also provide food rations for female pupils and their families, in order to encourage school attendance.<sup>308</sup> The government has also developed a Code of Conduct for teachers; it includes the prohibition of sexual abuse or exploitation of pupils.<sup>309</sup>

In addition, a key strategy has been the creation of schools outside the formal education system, the Nafa Centres (or “schools for a second chance”). These schools offer primary education and vocational training to children above the normal

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<sup>304</sup> Human Rights Watch interview with President of the *Chambre d'Accusation* of the Appeals Court, Conakry, February 6, 2007.

<sup>305</sup> République de Guinée, “Projet de requête pour la procédure accélérée en faveur de l'éducation pour tous,” October 2002, [http://www.fasttrackinitiative.org/library/Guinea\\_Education\\_Plan.pdf](http://www.fasttrackinitiative.org/library/Guinea_Education_Plan.pdf); Education for All Fast Track Initiative, “About FTI,” <http://www.fasttrackinitiative.org/content.asp?ContentId=958>; (Accessed May 8, 2007).

<sup>306</sup> Ministère de l'Enseignement Pré-universitaire et de l'Éducation civique, “Annuaire statistique enseignement élémentaire. Année scolaire 2005-2006,” September 2006, p.24.

<sup>307</sup> Human Rights Watch interview with head of the National Committee on Equity in the Ministry of Education, Conakry, February 8, 2007; Women and Girls Education Network in ECOWAS (WENE), “L'Éducation des filles en Guinée,” October 10, 2006, <http://www.wene.org/articles.php?lng=fr&pg=499> (Accessed April 12, 2007).

<sup>308</sup> E-mail communication from representative of Education for All Secretariat, Conakry, April 18, 2007.

<sup>309</sup> Ministère de l'Enseignement Pré-universitaire et de l'Éducation civique, “Étude sur la violence scolaire et la prostitution occasionnelle,” p.43ff.

age of enrollment in three instead of four years. Successful students can cross over into the formal education system and attend secondary school. The schools are almost entirely attended by girls, and 163 of 186 Nafa schools are located in rural areas. They are run in partnership by the Guinean government, UNICEF and local communities.<sup>310</sup> However, the government and local communities have not always contributed to the schools as agreed, and this has led to a lack of staff, reduced apprenticeship programs, and lack of equipment among other things.<sup>311</sup> At present, less than one percent of applicants actually get a place; UNICEF and the government are planning to expand the number of Nafa schools.<sup>312</sup>

There have been few efforts targeted at enrolling girl domestic workers in school. This seems surprising, given the focus on ensuring that girls actually benefit from an education, and the extreme difficulty that many child domestic workers have in attending school. UNICEF recently proposed a regional project on school attendance of girl domestic workers; unfortunately this project, with the apt title, “Education for Liberation,” has not yet been funded. Save the Children runs a program for school attendance of disadvantaged children and has enrolled 4,800 children who were exploited or working in hazardous forms of labor; this number included girl domestic workers.<sup>313</sup> AGUIAS has helped girl domestic workers get enrolled in school, and both AGUIAS and ACEEF have assisted girls to get apprenticeships. In doing so, these NGOs have changed the lives of many child domestic workers. Human Rights Watch interviewed several girls who expressed great relief at finally getting an apprenticeship or going to school, and who were deeply grateful to the local association that assisted them.

On the international level, the ILO and UN agencies recently created the High Level Task Force on Child Labor and Education to highlight the importance of combating child labor to achieve universal primary education.<sup>314</sup> At the April 2007 Africa

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<sup>310</sup> Human Rights Watch interviews with education specialist at UNICEF, Conakry, December 5, 2006, and with the Coordinator of the National Commission on Basic Education for All, Ministry of Education, February 9, 2007.

<sup>311</sup> Save the Children, “Combattre le travail et l’exploitation des enfants à travers l’éducation (CCLEE) en Guinée. Rapport synthèse du diagnostic participatif communautaire dans les cinq districts du projet,” August 2005, p.9-10.

<sup>312</sup> Human Rights Watch interview with the Coordinator of the National Commission on Basic Education for All, Ministry of Education, February 9, 2007.

<sup>313</sup> Human Rights Watch interview with Save the Children representatives, Conakry, December 4, 2007.

<sup>314</sup> Global Task Force on Child Labor and Education for All, Newsletter, 2007.

Regional Meeting the ILO stated in its report that “free and compulsory quality education up to the minimum age for entering employment or work is the most important tool for eliminating child labour.”<sup>315</sup> UNICEF is currently preparing a particular project on girl domestic workers and education.<sup>316</sup>

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<sup>315</sup> ILO, “The Decent Work Agenda in Africa: 2007-2015.”

<sup>316</sup> Human Rights Watch telephone interview with ILO representative, April 20, 2007.

## **VI. Conclusion**

Girl domestic workers in Guinea work long hours for little or no money, and are routinely deprived of adequate sleep, rest, food, health care and education as well as social contacts and loving care from their parents or guardians. Those complicit in this negligence and abuse include parents who send the girls to domestic work and do not keep in close contact; intermediaries who do not check on the child's well-being; and extended family members and non-relatives who employ or host the girls as domestic workers, but fail to fulfill their duties as guardians and employers.

The government has not yet developed a satisfactory policy to address the serious abuses girl domestic workers experience, and hence fails to protect the girls. At present, there are few efforts to enroll child domestic workers in primary school, allowing them to become independent through education. There is virtually no national child protection system in Guinea; national NGOs do important child protection work but cannot fill this huge gap, and currently operate without a proper legal framework which could itself lead to abuses and other human rights violations. Exploitation and violence against child domestic workers routinely goes uninvestigated and unpunished. Situations which amount to physical and sexual abuse, labor exploitation, trafficking and forced labor are often not defined as such and therefore not necessarily considered crimes. The new Guinean government has pledged to improve the living conditions of ordinary people, in particular youths. It has also announced that justice will be a key to a better future. The government should translate this commitment into reality by adopting concrete steps to ensure greater protection and opportunities for the hundreds of thousands of girl domestic workers in Guinea and in the region.

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