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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Republic of Guinea Bissau.

Trafficking

- 1- Child trafficking is highly common in Guinea-Bissau. Children are sent to neighboring countries to engage in forced labor, often begging and prostitution. Boys are usually sent to Senegal, Mali and Guinea to Koranic teachers, called *Marabouts*, who are supposed to teach them the Islamic religion. However, marabouts often beat the children and force them to beg in the streets. Children studying under marabouts are called “talibé”. UNICEF estimates that about 200 boys are sent away from their families in Guinea-Bissau each month, and a 2008 study showed that 30% of children begging in the Dakar (Senegal) streets were of Bissau-Guinean origins.



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- 2- Guinea-Bissau is a Tier 3 country;¹ in other words, Guinea-Bissau does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. Indeed, despite enacting an anti-trafficking law and adopting a national action plan in 2011, the country failed to demonstrate any notable anti-trafficking efforts since 2016. Authorities rely entirely on NGOs and international organizations to provide victims with protective services.

- 3- Compliance failures include the absence of law that prohibits all forms of human trafficking, though the law currently prohibits forced labor under article 37 of the country's penal code, which condemns perpetrators with life imprisonment.

- 4- In addition, the government neither investigates nor prosecutes human trafficking offenses, due largely to systemic failures throughout the judicial system, including a lack of institutional capacity and corruption. The government does not allocate a budget to the Judicial Police, which prevents it from investigating trafficking cases outside of Bissau, including reports of child sex tourism in the Bijagos. The inter-ministerial committee remains without sufficient funding to implement prevention activities, and credible reports of complicity in trafficking investigations continued to go uninvestigated.
Guinea-Bissau has never prosecuted or convicted a trafficker.

¹ The Trafficking in Persons Report, or TIP Report, is an annual report issued by the U.S. State Department's Office to Monitor and Combat Trafficking in Persons. It ranks governments based on their perceived efforts to acknowledge and combat human trafficking. The report divides nations into tiers based on their compliance with standards outlined in the Trafficking Victims Protection Act (TVPA) of 2000 (Tiers 1-2-3).



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- 5- Guinea-Bissau is in violation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, ratified in 2007. The Protocol prohibits trafficking in persons, and encourages State Parties to prevent trafficking, as well as repatriate and protect victims.

- 6- Guinea-Bissau should join the Convention on the Civil Aspects of the International Child Abduction, regarding custody rights. By not taking action to prevent children being sent to marabouts, Guinea-Bissau is in violation of the Convention, which states that rights of custody include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence.

- 7- In Guinea-Bissau, early and forced marriage occurred among all ethnic groups. The legal minimum age of marriage is 16 for both genders. Girls who flee arranged marriages often are trafficked into commercial sex. The buying and selling of child brides also occurs. There are no government efforts to mitigate these problems.

- 8- Child marriage endangers the life trajectories of girls in multiple ways. Child brides are at greater risk of experiencing a range of poor health outcomes, having children at younger ages when they are not yet ready to do so, dropping out of school, earning less over their lifetimes and living in poverty compared to their peers who marry at later ages. Child brides may also be more likely to experience intimate partner violence, have restricted physical mobility, and limited decision-making ability. Most fundamentally, child brides may be disempowered in ways that deprive them of their basic rights to health, education and safety.



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- 9- Internationally, the minimum legal age of marriage is 18, the foundation of which can be found in multiple conventions, treaties, and international agreements, including the Convention on the Rights of the Child (ratified by Guinea-Bissau in 1990), the Convention on the Elimination of All forms of Discrimination against Women (CEDAW - ratified in 1985), and the Universal Declaration of Human Rights (UDHR).

- 10- Guinea-Bissau also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2010, and is thus in violation of this protocol. In particular, it is in violation of Article 1, which prohibits the sale of children, defined as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

- 11- There are no official prostitution laws in Guinea Bissau, which makes it a common business. In 2016, there were over 3,000 prostitutes reported in the country, but there are no official numbers for 2019. Prostitution is linked with other issues such as drug dealing and consuming. Many of the prostitutes do not use condoms, hence spreading STDs such as HIV (3.3% of the population concerned).

- 12- In addition, child prostitution is prevalent in the country, with many children engaging in the activity for survival.

- 13- Prostitution is degrading to the person conducting the activity, and a total violation of the fundamental human rights of an individual. The preamble of the International Convention on Civil and Political Rights (ICCPR) recognizes the “inherent dignity” of the human person, and as such, all humans should be treated with equal respect and dignity.



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Prostitution as it exists in Guinea-Bissau is incompatible with the CEDAW, which asks states to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

Drug Smuggling

14- Guinea-Bissau’s unstable government, as well as the high poverty in the country, make it the perfect place for traffickers to smuggle drugs. Indeed, decades of political instability have made it difficult to implement public policy and the level of human development in Guinea-Bissau remains low. In 2018, the country ranked 177 out of 188 on the UNDP Human Development Index. Poverty affects more than 58.4% of the population. The country’s economy depends on cashew nuts, its main export product. But profits are constrained as the price is set by government.

15- Using threats and bribes, drug traffickers infiltrate state structures and operate with impunity. Officials in the administration and in the security sector are suspected of collaboration, even to be involved in the drugs trade. Any attempt to stand up to the traffickers, any challenge by media to report about these facts can be life threatening. Among the Guinean youth, many of them are involved in drug trafficking, and there are many signs of drug addiction.

16- Some of the drugs are transported by international fishing boats, legal and illegal, and some are brought to land on small vessels by local fishermen, where it is moved by the military over the borders. But most of the cocaine coming into Guinea-Bissau is brought by mules travelling from Brazil, often students. In 2017, airport agents caught 14 mules, carrying 8.65 kilograms of cocaine, but as mentioned above, agents most likely collaborate with drug traffickers and there is thus probably a higher level of drugs being smuggled in the country.



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Discrimination

17- The law and regulations do not prohibit discrimination regarding race, color, sex, religion, political opinion, national origin, citizenship, disability, language, sexual orientation or gender identity, age, HIV-positive status or having other communicable diseases, or social origin.

18- Women faced considerable pay gaps and, because employers prefer to avoid paying maternity benefits, are less likely to be hired than men. The constitution provides for equality for all, but LGBTQ+ persons faced discrimination in hiring, and persons with disabilities faced discrimination in hiring and access to the workplace. Documented discrimination on the other above categories with respect to employment and occupation was not available.

19- These violations go against the International Labor Organizations' principles stating that members must promote effective abolition of child labor; and elimination of discrimination in respect of employment and occupation.

Climate Change

20- In Guinea-Bissau the impacts of climate change have already been felt in the economy for some time, especially due to a diminishing rainfall and the gradual rise in temperature. Concerning the agrarian sector, production of Guinean staple food (rice), has highly diminished, due to the salinity and the flooding of rice fields. Among the foreseen consequences, the nation singles out a fall in agricultural, forest and grazing production, loss of human lives arising from malnutrition and food insecurity, risk of



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endemic disease such as diarrhea, cholera, typhoid fever, tuberculosis, etc. Climate change also exerts a negative influence on the quality and quantity of water resources through a reduction in rainfall.

21- Guinea-Bissau has not given a specific target for its Nationally Determined Contribution.

Recommendations

22- Actively investigate and prosecute trafficking offenses and pursue major offenders, including marabouts and hotels that allow child sex tourism; allocate a budget to the judicial police; develop and train enforcement on procedures of identifying trafficking victims, train officials on anti-trafficking laws, and increase efforts on repatriating trafficking victims; and increase funding for NGOs to ensure trafficking victims receive care.

23- Increase the legal minimum age to 18 for marriage; prosecute and punish persons practicing forced marriage; and increase government efforts to protect children from forced marriage.

24- Consider proposals to regulate or abolish prostitution; provide support to underprivileged women who cannot afford to live without prostitution / cannot find another job; Create NGOs that provide care to these women; and prosecute prostitutes' "bosses" and punish them with a sentence that fits the crime. In addition, Guinea-Bissau should join the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, which states that "Prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person".



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25- The capacity of the judicial police in Guinea-Bissau must be strengthened and cooperation with neighboring countries boosted. There must be increased capacity and more equipment in order to enforce the law. Politicians and armed forces must stay out of the drug business. Those who take part in it must be prosecuted; Security must be enhanced – international agencies should step in and create programs to help the government take control back in a democratic way.

26- Create a law on employment discrimination and enforce it.

27- Guinea-Bissau needs to implement policies on food security, water resources, coastal and forests. Risk prevention and adaptation have to be the priorities to mitigate climate change in the country. **Guinea-Bissau is plainly not prepared for the effects of climate change and the imminent climate breakdown and the lives of its citizens are in grave jeopardy as a result.**

Respectfully submitted,

/s/ Inder Comar and Maylis Pourtau

of Just Atonement Inc.