**The Global Compact for Migration: keeping promises in the context of fragile states.**

**The case of Guinea Bissau**

1. **Introduction**

Guinea-Bissau has a small but rapidly growing population, estimated at 1.7 million people and the proportion of population in the age between 0-34 years is 80 per cent (population projection for 2016). In 2016, the country ranked low on Human Development Index (HDI) with a rank of 178 (out of 188) countries (UNDP, 2016). The majority of the population (69 per cent) lives on less than $2 per day (World Bank, 2010). One out of two persons in the country is illiterate.

The country has been characterized by the political instability for many decades resulting in deterioration of the living conditions of its population. The lack of accountability of the political system is cause for conflict. This has contributed to failing or ineffective state institutions especially in critical areas of health, education, poverty reduction.

A number of studies have examined the correlation between poverty, lack of socio-economic opportunity, and migration finding that all these elements can create a diffuse motivation to migrate but only the families that succeed to collect sufficient funds for the migration project of a family members, could pursue the migration possibility. It is indeed necessary to better understand the motivation to migrate and the consequent migration “choice”.

Guinea Bissau is a country with porous borders, features of both immigration and emigration trends will be discussed and relate to the regional mixed migration flow of people of West Africa. It will also be instrumental to understand some of the characteristics of the current movements and level of inclusion and participation of migrants to Guinea Bissau’ socio, economic and political context.

At the governmental level, despite the pervasive political instability in October 2017, it was possible to organize the national consultation for the Global Compact for safe, orderly and regular migration (GCM) with the support of technical and financial partners (IOM, EU and UNCT). Academia, CSOs and national and regional authorities participated to the consultation and developed key recommendations that were sent to New York to feed in the stocking taking exercise held in Mexico in December 2017.

The present paper seeks to analyse how the GCM recommendation could concretize in a context of fragile institutions. Enabling and opposing factors will be discussed and assessed. The current study intends to better understand the current level of integration of migration in public policy and its level of sensitivity to crosscutting issues such as human rights, environment, gender. From this analysis, recommendation will be developed to support the concretization of the migration rights that the GCM intends to frame and conceptualize. The predicament of the actualization of international frameworks on migration governance and individual and collective human rights enjoyment will be discussed to suggest possible paths of cooperation to support these fundamental goals. How good governance on migration as expressed by the GCM can ensure the fulfilment of fundamental migrants’ rights and citizens wellbeing in a context of political instability and fragile institutions? The question will be posed to identify enabling factors and possible obstacles to the process.

1. **The socio-political context of Guinea Bissau**

Guinea-Bissau has a small but rapidly growing population, estimated at 1.7 million people and over half of them are under 18 years of age[[1]](#footnote-1) and the proportion of population in the age between 0-34 years is 80 per cent (population projection for 2016). Guinea-Bissau is one of the least developed countries in the world, ranking 177th in the list of 189 countries in terms of Human Development Index (UNDP, 2018). The low investment in infrastructures and the fragility of the economy lead many Guineans to seek the way of emigration. The lack of livelihood and disbelief in successive governments and the development of the country are the basis of the departure of thousands of Guineans abroad. Nonetheless, emigration is not a homogeneous reality, varying according to region and ethnic group. The majority of the population (69 per cent) lives on less than $2 per day (World Bank, 2010). One out of two persons in the country is illiterate.

The country has been characterized by the political instability for many decades resulting in deterioration of the living conditions of its population and in underlying tensions. The lack of accountability of the political system is cause for conflict. This has contributed to failing or ineffective state institutions especially in critical areas of health, education, poverty reduction. Almost a sixth of the population which lives in rural areas facing many challenges to access basic services. The lack of resources coupled with extreme levels of poverty have further exacerbated the situation

The 1998-1999 armed conflict devastated the country’s economic and social infrastructure, worsening the already widespread poverty. The latest coup d’état, in April 2012, prompted the United Nations Security Council to impose targeted sanctions on the military responsible for the unconstitutional change of power. Following a two-year transitional period, legislative and presidential elections were held in 2014, enabling the return to constitutional order. The holding of free, fair and transparent elections, as well as the appointment of a new government, created momentum around a national vision for development. This vision informed the development of the country’s national strategic and operational plan for 2015-2020 (“Terra Ranka”), which was presented at an international partners’ roundtable in Brussels in March 2015 and attracted US$ 1.5 billion in pledges from donors in support of its implementation. The pledges could not concretize due to internal conflict among political powers.

The President of the Republic dismissed the Prime Minister and his government in August 2015 alleging failure to overcome incompatibilities in their institutional relationship and to restore mutual confidence. Since then, successive governments have been unable to secure the approval of a Government program or budget by the National Assembly. At present, Guinea-Bissau continues to face chronic political instability that is having a disproportionate impact on the most vulnerable, among them the young people of this country.

Now, national elections are approaching (2018 and 2019), and experience from past election cycles suggest that young adults - and even adolescents - will likely be a targeted social group in the electoral processes and political power disputes. Youth are rarely included in local development planning or conflict resolution efforts. At the local level, cultural and religious norms articulate a hierarchical distribution of power that demand submission and acquiescence to youth – especially of young girls.

Youth and adolescents form a critical proportion of the demographic ‘youth bulge’ (45 per cent) in a young country such as Guinea-Bissau. Nonetheless, youth face enormous challenges to find an active place in the society, the employment rate[[2]](#footnote-2) for young people aged 15-35 was 10.6% in 2009, with a rate of 4.6% for women. The lack of access to basic services including health, education, vocational and employment opportunities are all potential sources for their multifaceted marginalization, that leave these groups of young people vulnerable to exploitation, abuse and irregular migration. Many of them are in fact candidate of irregular migration through the central Mediterranean route. This is a threat to stability and peace.

1. **The context of migration between lack of data and motivations to migrate**

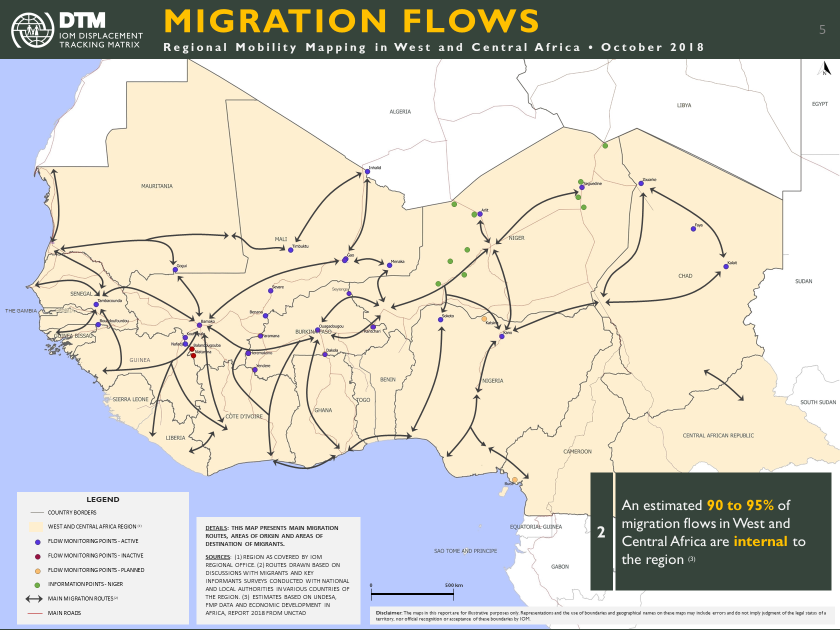
Migration is a fundamental component of West African population since the beginning of human history. The internal migration in the Southern Senegambia region is well documented since the X-XII century.

Senegambia was an area of encounters and dispersal of all populations and all influences from the deserted regions of the Sahara, from the east to the Niger and south especially the areas of the great equatorial forests. It is a region characterized by similarities between the political and social institutions and the complementarity of regional economies. Mobility of people constituted the essential way for the subsistence and flourishing of the socio-political and economic structure.

It was only during the XV-XIX century that a double dynamic of disaggregation and unification began to underlie the whole history of this period marked by the impact of the Atlantic trade, the slave trade, the contradiction between *ceddo* power and Muslim power, the process of disintegration and enlargement of the Senegambian space and finally the process of colonization (Barry, 1990). In all these event, mobility and forced mobility was an important characteristic of the Bissau Guinean socio-economic landscape.

In a joint report of IOM and UNICEF is stating that 12 million people migrate in Western and Central Africa every year and an estimated 90 to 95% of migration flows in West and Central Africa are internal to the region (UNDESA 2018).

Fig. 1 West Africa Migration flow

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Forced migration characterized a considerable part of this movements with 6,6 million Internally Displaced people and 1,1 million of refugees of which 4, 5 million are children.

Human mobility is a central component of Guinea-Bissau's history, which has characterized the livelihoods of its population and influenced the socio-political trajectory of this territory since remote times (Sangreman et al., 2012). Most of the ethnolinguistic groups that constitute the population of this country have the internal or international migration as a characteristic trait.

Mobility towards the outside of the territory has long been a very important and extremely common practice. It covers ethnolinguistic groups whose community is divided by two countries divided by international borders, as is the case of the northern Guinea-Bissau, designated by diola in the region of Casamança (Sangreman et al., 2012) as the former corridor between Guinea-Bissau and Senegal, but also in the form of intermediaries between European and local traders (the example of Manjacos), and the displacement of northern Guinea-Bissau towards Senegal in the context of peanut cultivation and rubber harvesting ( Diop, 1996; Carreiro, 2011; Abreu, 2012).

There are also the Manjacs to be recruited in the early nineteenth century (Diop, 1996) by the merchant ships operating on the Senegalese coast, which allowed some later to reach France (as the metropolis of Senegal) in a intercontinental migratory current (Sangreman et al., 2012).

Throughout the twentieth century, the migratory flow to Senegal and to The Gambia (which is functionally integrated in the same system) has been sthrenghten, as a result of the increase of the demographic pressure in the north of Guinea-Bissau, of the colonial repression and from the 1960s onwards this mobility of people was the consequence of the direct effects of the war of independence (which also led a significant number of Guineans to seek refuge in Guinea-Conakri).

The independence of Guinea-Bissau in 1973 and the end of the war in 1974 brought new transformations in the migratory flows. Historians note an important flow of resident population in the bordering countries returned to the national territory. It was also accounted the repression of certain specific groups (the case of the "Luso-Guineans") in the post-independence period which had the consequence that politically motivated emigration continued to be a reality in the period after independence.

Even if we know that migration is a fundamental feature of Bissau Guinean society, it is not possible to find an elaborate historical review of flows of immigrants to Guinea-Bissau to identify when and what the peaks of immigration towards the country occurred. At present, there is no way to measure, even roughly, the size of the foreign presence in Guinea-Bissau. There is no centralized database for entries, visas and residence permits issued to foreigners. The available information on the size and characterization of immigration points to the fact that most of the immigration in Guinea-Bissau is made up of individuals from the ECOWAS region, facilitated by the free movement of persons between their Member States, and explained by the strong links between the various ethnic groups scattered throughout the region and the instability and / or conflict in some countries.

According to the National Migration Profile (IOM, 2018), it is estimated that 17 to 18,000 foreigners live in Guinea-Bissau, representing about 1 percent of the total population. The number of undocumented and irregular migrants is believed to be high. Immigrants are mostly men from the ECOWAS region - notably Senegalese and Guiné-Conakry citizens - who are going to the country looking for better living conditions and exploiting opportunities in the labor market.

The migratory context of Guinea-Bissau is also marked by mixed flows, where most economic migrants add people in search of international protection. Guinea-Bissau hosted around 8 000 refugees by 2017 (mainly in the conflict-ridden region of Casamansa in Senegal) by 2017, the number of which rose to about 11 000 with the massive influx of Gambian citizens. There is a considerable decline in the number of refugees residing in the country through their naturalization under the Permanent Local Integration of Refugees Convention, approved by the Government in December 2017.

In a scenario marked by institutional fragility, poverty, poor functioning of the judicial system and police investigation, the phenomenon of trafficking in human beings, particularly children for labor and sexual exploitation, has an alarming outlook in Guinea-Bissau. International sources characterize Guinea-Bissau as the country of origin and destination and for having internal traffic.

There is no recent statistical data on internal migration. The information available from the General Census of Population of 2009 pointed to considerable and growing migration flows, especially towards the Autonomous Sector of Bissau. Guinea-Bissau's vulnerability to climate change means that major domestic travel is expected, but there is no study of its impact or any contingency plan in crisis.

Immigration in Guinea-Bissau is for work purposes and consists of seasonal, temporary and permanent migrant workers who come to Guinea to explore the existing business opportunities. There are also those who immigrate to Guinea-Bissau for family reunification or to nourish the social network to which they have access. Immigration is not related to study or health purposes, given the fragility of the public systems of providing these services.

On another end, emigration is a long tradition in Guinea-Bissau and if its motivations were political (especially in the post-colonial period and during the civil war of 1998/99) they also had a strong economic component.

Guinea-Bissau is one of the least developed countries in the world, ranking 177th in the list of 189 countries in terms of Human Development Index (UNDP, 2018). The low investment in infrastructures and the fragility of the economy lead many Guineans to seek the way of emigration. The lack of livelihood and disbelief in successive governments and the development of the country are the basis of the departure of thousands of Guineans abroad. Nonetheless, emigration is not a homogeneous reality, varying according to region and ethnic group. The study by Sangreman (et al., 2012), together with previous studies (Carreiro, 2007; Carreiro, 2011), suggest that: (a) migration is neither an ambition nor a privileged life strategy for all ethnic groups ; (b) there is more migration when it is associated with a ritual of passage, as for Manjacos, or a professional practice that implies mobility, such as commerce, in the case of fulas and Mandingas; (c) in contexts where migration is not collectively perceived as a preferential life strategy, then it occurs on a smaller scale. It is also important to mention those who emigrate to study, family reunification and health.

With regard to immigration, there are no holistic, consolidated studies on the phenomenon. There is no elaborate historical review of the flows and types of immigrant in Guinea-Bissau.

In order to present and characterize immigration in Guinea-Bissau, the data of the General Population Census (RGPH) can be used. The 2009 RGPH, by the National Institute of Statistics (INE), was the first statistical survey to contain the nationality variable.

The National Migration Profile (NMP) developed by IOM in 2018 reveals that the concept of "international immigrant" adopted by the INE in the RGPH is as follows: "A person born abroad, or a person whose previous residence was a foreign country". There is no criterion of residence temporality in Guinea-Bissau applied to the concept of immigrant. This contrasts with UN recommendations that target at least 12 months for long-term migrants and 3 months for temporary migrants. There is also no reference to the period / duration of residence abroad for immigrant citizens. According to United Nations definitions, it should include citizens who have returned after having lived abroad for at least 12 months. These differences may compromise the comparability of data between countries, notably in the ECOWAS region (Rodrigues, 2018).

On the other hand, it should be noted that the data analyzed by the INE in the Migrations report on the III RGPH (INE, 2009) on international immigrants do not differentiate nationals from foreigners. This lack of disaggregation of immigrants by nationality prevents detailed characterization of foreigners and nationals returned to Guinea-Bissau.

Furthermore, the National Migration Profile (2018) reveals that the 2009 RGPH questionnaire does not contain specific questions to cover the phenomenon of immigration. There are no question regarding the legal immigration status in the country, the reasons for migration to Guinea-Bissau or the length of residence in the country. Nevertheless, all data collected can be disaggregated by foreign born, foreign and national, as there are open questions about the country of birth and nationality. This codification allows a broad analysis of the RGPH 2009 database regarding the stock of specific communities of foreigners. It should be noted, however, that the INE report on Migration (2009) does not present disaggregated data for the population born abroad.

Concerning foreigners entering and residing in Guinea-Bissau, there is no unified and computerized database on visas and residence permits issued by both diplomatic missions abroad and by national authorities in the country. All border entries are made manually, including at Bissau International Airport.

The data of the General Directorate of Migration and Borders do not contain the date / time of the entries and exits of persons and do not include information regarding the residence permits granted to foreigners in Guinea-Bissau. Thus it can be concluded that there is no accurate and constantly updated current data on how many foreigners are living in Guinea-Bissau on a regular basis.

The National Migration Profile uses quantification of the number of foreigners living in Guinea-Bissau is based on data from the main international sources in the area of ​​immigration - the United Nations (Department of Economic and Social Affairs) and the World Bank.

Finally, data are also presented on the consular records of some of the immigrant communities in the country. It should be noted, however, that this source of information has some weaknesses: on the one hand, it may not include all foreigners of that nationality, since it depends on the voluntary registration of individuals at the consulate and, on the other hand, may not be updated because always the immigrants will cancel their consular registration upon leaving the country.

**3.1 Immigration**

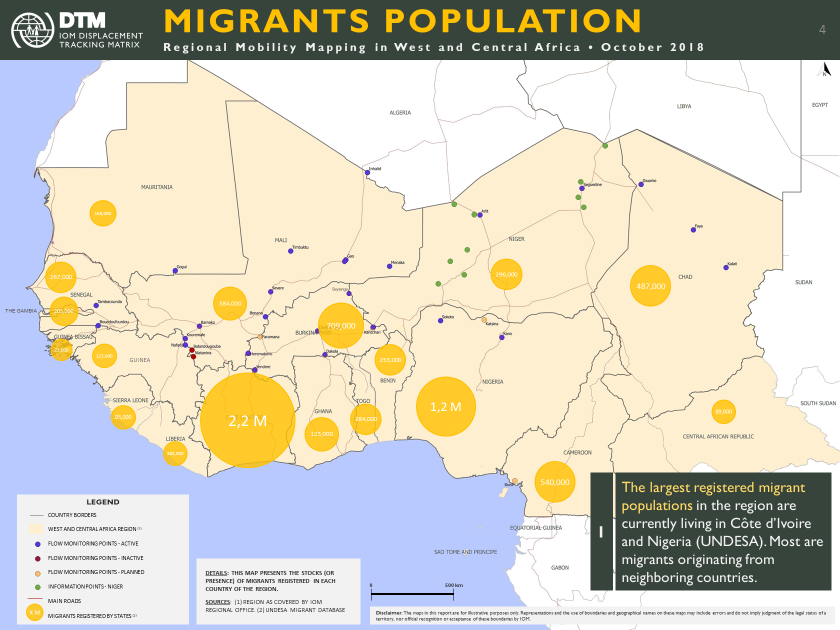
According to the 2009 RGPH (INE, 2009), Guiné-Bissau has a total population of 1,449,230 inhabitants, in which about 52 percent are women. It should be noted a significant increase of the population compared to the registered number of 960,900 inhabitants in the RGPH of 1990.

Counting foreigners, only 1316 individuals were counted. This means that foreigners accounted for only 0.1 per cent of the population living in Guinea Bissau in 2009. Of these, almost half (657 individuals) have immigrated to Guinea Bissau in the last five years prior to the Census.

The National Migration Profile refers that it is believed that the number indicated by the RGPH for the foreign resident population was underestimated. This may be due to the fact that foreigners in an irregular situation tend to escape Census interviews, they may distrust the objectives of the Census and fear the control of public authorities. It is also possible that the identification of some foreigners as nationals occurs because they belong to an ethnic community artificially divided between two countries. In fact, it is likely that individuals living in cross-border communities did not consider themselves as immigrants because they assume that there may be a decrease in rights.

In fact, the National Migration Profile refers that estimates by the World Bank and the United Nations (Department of Economic and Social Affairs) seem to confirm the thesis that the number of foreigners reported in the RGPH 2009 was much lower than the reality. In fact, UNDESA reports for 2017 (IOM DTM, 2018) the presence in Guinea-Bissau of 23,000 immigrants and the World Bank refers to the presence of 20 450 immigrants.

Fig.2 Regional Mobility maps (Source IOM,2018)



Estimates from international sources show a gradual increase in immigration in Guinea-Bissau from 1990 to 2017. In 1990, estimates were for some 15,000 immigrants in the country, peaking from about 28,000 in 1995 to relatively stable and in small growth. By 2015, estimates indicate the presence of some 22,000 immigrants in Guinea-Bissau. World Bank data for 2017 indicate the presence of 23,405 immigrants in the national territory.

Fig. 3: Evolution of the number of immigrants in Guinea-Bissau (1990-2017)

By presenting the immigrant contingent in more detail, by sex, the RGPH data (INE, 2009) on foreigners indicate that immigration is markedly male. In the foreign population, 987 individuals are male. That is, about ¾ of the foreign residents are men. Women constitute only 25 percent of the contingent of foreigners in Guinea-Bissau. UNDESA data point to an immigrant population with equal gender distribution in 2015 (but the same situation was reported in 2010 by this source).

In terms of ages, foreigners are young people of working age. According to the RGPH (INE, 2009), approximately 50 percent of foreigners are aged between 20 and 39 years. Minors account for approximately 16 percent of foreigners. There are no significant differences in age, by sex, except in the age group of minors where there is an overrepresentation of the female sex. The UNDESA data show a very different situation in 2015, where a very significant part of the immigrant population was a minor.

Concerning the nationality of foreigners residing in Guinea Bissau, figure 2 presents the top ten nationalities, according to data from RGPH 2009. The citizens of Guinea-Conakry, with a total of 429 citizens, constitute the main resident foreign community. In fact, about 1/3 of the total number of resident foreigners are Guinea- Conacri nationals, which can be explained by historical and ethnic ties but also by the social, political and military crisis in Guinea-Bissau. The second largest community of foreigners is composed of individuals of Mauritanian nationality, followed by Senegalese, Nigerian and Portuguese citizens.

Fig. 4 Percentage of immigrants by Nationality (Source RGHP,2009)



Both data of the NMP and of the study of INEP (2017) point to the following reality:

• a significant presence of Guiné-Conacri citizens, constituting the largest community of foreigners in Guinea-Bissau;

• very prominent presence of Senegalese citizens. 4094 people are registered in the consulate. They are present throughout the territory, but especially in Bissau and São Domingos;

• The Mauritanian community is also very expressive - about 3000 to 4000 people according to the Embassy (this figure triples at the time of the cashew campaign). The Mauritanian community is present throughout Guinean territory (including in the Bijagos), but above all in the North, in Gabu and Bafatá. The presence of the Mauritanian community in Guinea Bissau goes back to the 1960s. With the visa waiver agreement signed between Guinea-Bissau and Mauritania, an increase in the number of Mauritanians in Guinea-Bissau can be expected;

• Nigerians are approximately 2000 people, mostly men, residing mainly in Bissau and also in Gabu and Bafatá;

• the Portuguese are about 1000 individuals and reside almost exclusively in Bissau;

• The Spanish community consists of about 200 people.

According to RGPH 2009 (INE, 2009), foreigners living in Guinea-Bissau have average to high education levels. On one hand, about 38 per cent have only the level up to basic education. On the other hand, the contingent with education at the level of secondary education is considerable (34%) and about one-fifth of foreigners have a university degree.

**3.2 Immigration for Work Purposes**

The NMP refers that there is no official data from the General Directorate of Migration and Borders on foreigners who migrate to Guinea-Bissau for work purposes. At the same time, the 2009 RGPH data do not present data on the motivations of immigration to the country or on the labor insertion of foreigners. In this way, it is difficult to determine the representation of the foreign population in the working and employed population of the country.

Several key informants noted, however, that the number of immigrants in Guinea-Bissau increases substantially during the cashew (seasonal migration) campaign.

Despite the absence of official data, the perception of the main key actors of migration and development in Guinea-Bissau points out that immigration in the country is motivated mainly by job and business opportunities and prospects for better life.

This is also the conclusion of a recent study on the citizens of ECOWAS in Guinea-Bissau of the National Institute of Studies and Research (Mendes et al., 2017). This research on the dynamics of immigration flows of West African countries in Guinea-Bissau over the past 20 years surveyed 514 immigrants in the regions of Tombali, Gabu, Oio, Cacheu and Autonomous Sector of Bissau. These immigrants report that the main reason for leaving their country and coming to Guinea-Bissau was the search for better living conditions. They realized that the opportunities to build a business and to develop it successfully were scarce in their countries of origin, in contrast to the possibilities in Guinea-Bissau. Family reunification or the existence of a social network of support among compatriots also emerges as one of the main reasons for coming to Guinea-Bissau.

With regard to job placement, 93 per cent of immigrants work or are developing some profitable activity in Guinea Bissau, 4 per cent do not work and 3 per cent are unemployed (Mendes et al., 2017). This high capacity for integration into the labor market is explained by the fact that these immigrants come to Guinea Bissau to work with a family member or friend, which allows them to start any profitable activity, even if it is precarious (Ibid).

In terms of sectors of activity, immigrants are almost exclusively engaged in trade (96%), followed by industry and agriculture (2% respectively). The concentration of immigrants in the commerce sector can be explained by the high cultural tradition of some of the West African peoples (such as the Mandingas and Fulas) and also because of the low level of education of immigrants, which makes it difficult for them to carry out more demanding activities in terms of qualifications, by selling food products, cosmetics, building materials, mobile phones, among others.

**3.3 Emigration and irregular migration**

The independence of Guinea-Bissau in 1973 and the end of the war in 1974 brought new transformations in the level of migratory flows. However, the repression of some specific groups (the case of the "Luso-Guineans") in the post-independence period had the consequence that politically motivated emigration continued to be a reality in the postcolonial period, in this case constituting the first migration to Portugal. (Machado, 2002; Sangreman et al., 2012).

The NMP and other sources reveal that political emigration is also evident in the flow of people of Cape Verdean origin following the coup d'état of 1980 towards Cape Verde, and migration (or stay abroad, typically in Senegal) by people associated with the liberation movement and political party FLING (National Liberation and Independence Front of Guinea), which were persecuted by the PAIGC (African Party for the Independence of Guinea and Cape Verde) in certain phases of the period after independence.

Since the 1980s, economic emigration from Guinea-Bissau has begun to gain importance. The exit towards Europe was a very important escape valve in the face of deteriorating living conditions in rural areas, allowing to mitigate what could have been an even more explosive urbanization process (Sangreman et al., 2012).

In the 1980s and 1990s, Portugal was the main destination of intercontinental emigration, due to the strong demand for low-skilled labor from the Portuguese economy (due to the infrastructure modernization associated with the Economic Community European Union in 1986) alongside linguistic, cultural and historical ties between the two countries. This second wave of Guinean migrants towards Portugal diverged from the characteristics of the pioneer migrants. According to Machado (2002), while the first wave (from the period immediately after independence) was tendentially urban, originated from the "Creole society" and more qualified, the second wave, associated with labor migration from the 1980s onwards, more diverse in terms of ethnic and geographical origins and typically less qualified.

Until the turn of the century, Guinean emigration was characterized by the always important sub-regional mobility dynamics (mainly towards Senegal, Gambia and Cape Verde); by the very gradual decline of the migratory flow towards France (due to the scarce renewal of flows and the progressive integration of the descendants into the host society); and by the heyday of postcolonial migration towards Portugal in the 1980s and 1990s (which was to have a new peak during the 1998-99 political-military conflict, owing to the influx of refugees that then occurred).

At the same time, there was also a flow, which was less numerous in terms of aggregates but much more diverse in terms of destinations, associated with the migration of students, typically in the context of intergovernmental cooperation agreements. The countries of the former Eastern bloc, especially in the first years after independence, were also very important, but also destinations such as Morocco, Cuba, Italy or Brazil (and Portugal, of course).

With the turn of the century there is a diversification of the destination countries of Guinean emigration. With regard to migrants already established in Europe, access to a stable legal status, or even to the nationality of the host country (in particular Portugal), due to the long years of residence, has made intra-European mobility easier for many migrants. On the other hand, the crisis of the Portuguese economy throughout the 2000s prompted large numbers of Guinean migrants to re-emigrate towards a number of new European destinations, namely Spain, which welcomed many thousands of Guinean migrants (after a peak period of approximately 1,000 entries per year between 2004 and 2008, migration decreased subsequently), France (taking advantage of the networks associated with the migration system), Luxembourg, Belgium and the United Kingdom.

On the other hand, the increasing integration of the free movement within ECOWAS and the dynamics of economic growth exhibited by some African countries with particularly important links to Guinea-Bissau (such as Cape Verde and Angola) also contributed, in the African context, to this diversification of Guinean migration, which is reflected in the current dispersion patterns of the diaspora (Carreiro, 2011).

According to Sangreman (et al., 2012), the three major outgoing migrants with more advanced qualifications were all associated with political factors, namely:

* The first wave took place in the post-independence period of Guinea-Bissau and was part of the so-called "Portuguese-Guineans" (Machado, 1998) flow to Portugal - involving a significant number of individuals with intermediate and technical training (including, according to several reports, a significant number of nurses);
* the second took place in the context of the migratory flow towards Cape Verde that took place following the coup d'état of 1980 and which involved, in particular, the emigration of a significant number of primary and secondary school teachers (Có, 2012 );
* the third wave occurred during the conflict of 1998-99 and corresponded to the flight of the country by a considerable number of individuals - including in particular many doctors and public administration staff - who, taking advantage of their networks of knowledge and capacity to mobilize savings, sought refuge in other contexts (particularly Portugal, but also, to a lesser extent, other countries such as Cape Verde and France).

It can be said that Guinean emigration is driven by the search for better economic conditions, family reunification and health reasons that imply evacuation due to the absence of effective medical treatment in the country.

The United Nations data of the Department of Economic and Social Affairs allow an approximation to the evolution of the emigration of the country. Between 1990 and 2017, there is a clear growth in the Guinean diaspora, going from 55307 to 106901 Guinean emigrants. That is, the number of emigrants practically doubles in the period of 25 years, gradually and steadily.

Regarding irregular migration there is no study in Guinea-Bissau that provides quantitative data on immigrants who are in an irregular situation in the country. Nevertheless, according to several stakeholders, including the Directorate General for Migration and Borders, the observation points to a high number of immigrants residing in the national territory in an irregular manner.

The DGMF, in an interview for the present Migration Profile, shared that in a surveillance operation, which took place in the Bandim (Bissau) market from 8 am to 1 pm, 700 irregular foreigners were identified in 2017. The Gabu regional delegation of DGMF reported carrying out one or two monitoring operations per month, identifying an average of 15 to 20 irregular people. It should be noted, however, that there are few inspections done by the DGMF on the stay of foreigners in the country.

According to the authorities there are many undocumented immigrants, and it is necessary to continue to sensitize foreigners to go to their respective consulates to obtain a national identification.

It is believed that many foreigners enter the country on a regular basis but extend their stay beyond the legal deadlines without due fulfilment of an application for a residence permit. Many others enter irregularly in the country. The border is vulnerable, with many clandestine crossing points. Many migrants opt to use the clandestine routes to shorten the trip, crossing the borders of bicycle and motorcycle. There is a clear lack of means for land and sea control. The case of the archipelago of Bijagos highlights the fragility of the control by the authorities, due, among other things, to a lack of resources and human resources. According to the DGMF and other key stakeholders there are more than 80 islands where there are foreigners to make fishing camps without having contact with the authorities and there are 30 inhabited islands where there is no knowledge about their population.

The DGMF does not have data on refusals of entry to foreign citizens (and their reasons), on the number of immigrants identified in an irregular situation when carrying out checks on foreigners, on the number of foreigners deported. There is also no data on the number of clandestine vessels identified off the coast of Guinea Bissau.

This scenario illustrates the institutional and technical weaknesses in immigration management that facilitate the transformation of legal entries into illegal and uncontrolled work and economic activities.

The INEP study on ECOWAS immigrants in Guinea-Bissau (Mendes et al., 2017) shows that 26 percent of the 514 respondents stated that they did not have any type of documentation and were in an irregular situation. The same investigation indicates that some immigrants report difficulties to obtain their residence permits due to the unworthy behavior of some officials of the General Directorate of Migration and Borders. Immigrants reported that they often take advantage of their lack of knowledge about legalization procedures and withdraw money, rather than providing clear information about the correct procedure to follow. Corruption of agents is highlighted by 15 per cent of respondents as one of the difficulties encountered in the legalization process (ibidem). Nevertheless, the main difficulties in the process of regularization of their migratory situation in Guinea-Bissau relate to the waiting time (indicated by 28%) and the high cost / lack of money (26%). One of the testimonies of one of the migrants mentions the following:

“The residence card is our biggest problem. It is too expensive! And it is not charged with dignity. The day they decide to launch the raid, they arrest everyone without a card and lock them in the cells like animals. Our fellow citizens in the interior are going through much worse situations than ours in the capital. Especially in Gabu. They arrest us and as long as we do not pay the residence card and the fine we are not released”.

**3.4 Human trafficking**

Abdu and his brother are sitting under the cashew tree waiting for their father to come from Conakry. They speak Sussu language and only the guard of the children centre of AMIC in Bissau speaks some of their language. They are tired to wait and eager to be home after months passed with a neighbour collecting cashew fruit in the villages near Sonaco. They were abandoned by their neighbour and robbed the little they earned after months of forced labour in the field.

This is unfortunately the reality for many children on the move in West Africa trapped in the circuit of trafficking, forced labour and exploitation.

Guinea Bissau is a country with thousands of km of border area and 12 official entry border points. With very porous border and a weak institutional capacity to operationalise patrolling and border control along its border it is a country very much prone to trafficking and smuggling of goods and of people.

The United States Department of Homeland Security's 2017 and the National Migration Profile of Guinea Bissau reports the following:

* Guinea-Bissau is a country of origin for children subjected to forced labor, begging and sex trafficking. Some Koranic masters exploit the weakness of institutions and the porosity of borders to transport large numbers of Guinean boys to Senegal and, to a lesser extent, Mali, Guinea Conakry and Gambia for forced begging in Koranic schools - these victims of trafficking are called Talibé children and are mostly of Fula and Mandinga ethnic groups. Guineans, primarily from Bafatá and Gabu (but also from Tombali and Cacheu), accounted for 310 of the 838 trafficking victims identified in Dakar, Senegal, between July and November 2016. The Friends of the Child Association (AMIC) a Bissau Guinean NGO working to protect children victim of trafficking, supported the return and reintegration of more than 1,000 Talibé children from 2006 to 2017. Guiné-Bissau boys are also trafficked into street trade in Senegal, especially in the southern cities of the country - Kolda and Ziguinchor and for work in agriculture and mines, according to the Worst Forms of Child Labor report (United States Department of Labor, 2017). Guinean girls are recruited by Senegalese women's trafficking networks to work as role models or travel in football clubs but are then subjected to trafficking for the purpose of sexual exploitation in Senegal. They are also forced to do domestic work in Senegal. AMIC also reports cases of girls adopted for marriage (in which the adoptive father is the husband). According to a source consulted for the Migration Profile, there also appear to be cases of girls trafficked to Lebanon, who were seduced by a supposed future in Portugal.
* Guinea Bissau is a target country for West African boys exploited for forced labor, including forced begging. West African boys are forced to harvest cashew nuts during the Guinea-Bissau harvest season and some are recruited to work in the harvest but are instead forced to beg. According to a source from the Ministry of Women, Family and Social Cohesion, there are children coming from Niger to beg, there are Guiné-Conacri children who come to Guinea Bissau to harvest cashew and to shine shoes (the children cher) or Senegalese children "from the little piggy in hand" that are brought in the pirogas by Senegalese fishermen, within the framework of an assembled trafficking network. The girls are brought to Guinea-Bissau to be forced to marry at a very early stage of their life;
* There is internal trafficking in Guinea-Bissau: many Guinean boys attend marabout-run Quran schools. Some Koranik masters have forced their students - Guinean boys from rural areas - to beg in Bissau (notably in the Afia neighbourhood but also in downtown Bissau) and offer them no education. The traffickers are mainly men from the Bafatá and Gabu regions - usually former talibés or men who claim to work for a marabout - and are generally known within the communities in which they operate. Increasingly, marabouts force Guinean, Gambian and Sierra Leone boys to beg in Bissau. The Guinean boys are forced to work in the street trade and in the agricultural sector. Guinean girls are forced to work in the street trade and housework and are also exploited in sex trafficking in bars, nightclubs and hotels in Guinea-Bissau. Guinean girls from Bijagós and, to a lesser extent, girls and boys from the mainland are exploited by child sex tourism in the archipelago. Although the scale of this problem is unknown, it is widely recognized within civil society, NGOs and middle-level government officials. According to the US Department of Homeland Security's (2017) report, foreign nationals often own hotels on the islands and, using Guinean intermediaries, exploit island girls aged 13 to 17 to tourists of child sex. The same source indicates that these same hotel owners offer employment and meaningful support to the island communities, thus exerting an influence that dissuades victims from notifying law enforcement authorities. Poor families end up encouraging their children to submit to this type of exploitation for financial gain.
* It is unknown to what extent adults have been subjected to forced labor or prostitution.

There are many factors enabling trafficking of children in Guinea Bissau:

* many school-age children do not have a civil birth register, as a fundamental instrument of citizenship and civil identification. This favours the emergence of risks and difficulties in the implementation of the national strategy to combat organized crime, and in particular trafficking in human beings, inhibiting the implementation of preventive mechanisms.
* the sense of impunity is pervasive in Guinean society - most of the criminal cases that has been admitted to the police is not transmitted to the Public Prosecution Service, trying to use its own mechanisms to resolve the cases. Police and judicial professionals lack specialized training in trafficking, investigation and persecution. Very fragile working environment is also a reality in the county. Low wages, lack of supervision, a lack of means of transport for monitoring purposes. No monitoring plan are implemented neither from the Committee to combat people trafficking; IMC or the Tribunal of Minor, leaving children and their families completely isolated from the support of the state and relevant authorities. According to the statistics available, there are no criminal proceedings in connection with trafficking in human beings, except for the case involving the interception of 61 children registered in the Buba sector in 2013 and another case on trafficking in the Regional Court of Gabu. None of these cases came to be judged. In 2018, IOM assisted to three instances in which police appended Koranic teachers transporting children to Senegal and in the three instances the suspects were nor interviewed nor persecuted.
* Additionally, the government did not investigate, prosecute or condemn any drug traffickers; did not identify any victims of trafficking or investigate complaints of child sex tourism. Guinea-Bissau never prosecuted or convicted any drug traffickers.
* The existence of complicity in trafficking in persons by government authorities and the judiciary. As reported in the United States Department of Homeland Security's (2016) report and has observed on a daily basis, the government has not reported any investigations, prosecutions or convictions of public officials complicit in human trafficking crimes. However, corruption and complicity of authorities in trafficking offenses remained a concern, inhibiting action by law enforcement officials during the period under review. Observers reported that some police officers and border guards may have received bribes from traffickers. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly and corruption remains widespread. The passivity and weak culture of denunciation on the part of society in general leads to a certain extent to the growth of impunity in relation to the actors of the crime, leaving them free from the action of justice.
* socio-cultural norms also contribute to an enabling environment for children trafficking. The National Migration profile for example reports that begging is not always seen as a negative phenomenon by families, representing one of the stages of suffering and preparation of the child for the future, provided that the child is able to continue studying the Koran. The premise is that there is no knowledge without sacrifice. The sending of children to Quranic learning abroad is a deeply rooted tradition, essentially in the rural setting in Fula and Mandingas ethnic families; a tradition of several generations throughout the East of Guinea-Bissau;
* the absence of a national legal provision on child begging. The law requires a minimum age to start work but does not apply to self-employed children. On the other hand, street work is not prohibited in the Labor Code for minors.
* poverty perpetuates some harmful practices for children, such as child domestic work and early marriages. In the latter case, the gifts involved in marriage represent a real and permanent source of income for the victim's family and guardians (Medina, 2013).
* the fragility of the education system in Guinea-Bissau (both because of the low number of public schools and because of the very fragile quality of education) leads parents to send their children to study abroad. Many villages do not dispose of school with professors assigned by the Ministry of Education but only of so called “community school” in which someone of the community is paid by the family to support children to study but in many case the community professor was never trained as a teacher and lessons can be interrupted for month due to the lack of availability of the teacher that may engage in other activities during the course of the year;
* the National Committee to combat and prevent human trafficking only met 4 times from January to October 2018, while should meet at least monthly. The non compliance with the meeting schedule is due to lack of meanse for food and transportation allowances that members put as a precondition to meet. Only with funds from international organisations the National Committee is able to meet. This modus operandi farther jeopardizes the Committee ability to orient and take decision on important matters concerning human trafficking;
* the lack of action by the authorities in implementing the commitments they are proposing (OIM, 2018). By way of illustration, the Institute for Women and Children and the Ministry of Tourism have drawn up a Code of Conduct against sexual exploitation by the sector of tourism. Guinea-Bissau never prosecuted or convicted any drug traffickers.
* support systems are scarce and there are not enough shelters or reception centers. State institutions and NGOs with responsibilities in this area lack the resources to address trafficking and exploitation.

1. **Political and institutional framework on migration**

The Global Compact for Migration (GCM) calls for a comprehensive approach to optimize benefits of migration while addressing risks and challenges for individuals and communities.

From the point of view of the political treatment given to migrations, Guinea-Bissau works on this topic, dividing it into two main facets: immigration and emigration. The issue of internal migration and the potential impact of climate change on human mobility is absent from policy documents and speeches, although internal flows are considerable, and Guinea Bissau is the second most vulnerable country to climate change in the world.

Guinea-Bissau has no political or strategic instruments to guide government action in the area of ​​migration. There is no clear policy either from the point of view of immigration or emigration. The issue of migration is a topic that has gained political relevance very recently in Guinea-Bissau, and Guinea-Bissau is now starting to take the first steps towards the elaboration of objectives and measures for the management of migratory flows.

The NMP (2018) reveals that there is no joint and concerted view on how to increase the scope and impact of the engagement and contribution of immigrants and the diaspora in Guinea-Bissau's development process. It is therefore necessary to establish global, specific objectives and strategic action that analyse the positive relationship between migration and development and combat their potential adverse effects. The regulation of the entry, stay and exit of foreigners in Guinea-Bissau is one of the weakest points of the government's action in this matter.

Migration management needs to be mainstreamed into Guinea-Bissau's development plans. It is necessary to work to sensitize and train the different governmental actors on the principle that migration management, due to its multiple sectoral implications, must be worked together by all different governmental entities. It is also noted by other governmental sectors other than those directly responsible for emigration and immigration that there is some resistance in the appropriation of these themes, which are often seen as external to the original mission of each agency.

In this sense, the creation of platforms for dialogue and consultation, such as the Interministerial Commission on Migration, originally called the Interministerial Commission for the Withdrawal of Guineans from Libya, are of crucial importance for the creation of synergies between policies

different but interconnected. Nonetheless, the case of the interministerial committee on migration is emblematic to better understand the vulnerability of states with weak institution to adhere to GCM principles on good governance for migration. Created in November 2017 under the pressure of the public opinion regarding the issue of Bissau Guinean citizens trapped in Libya, it immediately ceased to function at the beginning of 2018 due to lack of political will and as a new government was going to be constituted as of April 2018.

Furthermore, the government and the National Assembly had difficulties in working together on issues related to migration due to recurrent political crises, this was the case for instance during the years 2015-2018. Political distrust and the non-functioning of the Assembly until April 2018 resulted on a political paralysis on all sectors of society including migration. In more general terms and has noted by the NMP, the link between the National Parliament, namely the Special Committee on Foreign Policy, International Cooperation and Emigration and the key governmental portfolios in the area of ​​migration needs to be substantially strengthened. MEPs elected by emigration circles have a key role to play in transmitting the wishes of the communities to the government and should publicize the public measures on emigration.

At the institutional level, migration management in Guinea-Bissau has been addressed as a primary and almost exclusive responsibility of the Directorate-General for Migration and Borders (Ministry of Internal Affairs), the Directorate-General for Communities and the Directorate-General for Legal and Consular Affairs (Ministry of Foreign Affairs, Cooperation and Communities) and the Directorate-General for Regional Integration (Ministry of Economy and Finance). Institutional collaboration among key government actors has been very scarce in the area of ​​migration. There are no channels of communication open between the institutions that lead the management of immigration and emigration and other government folders, namely education, labour market, health, regional integration, among others. There is also no clear understanding at the level of the government executive about the intersection and co-dependency of migration flows with other key areas of development.

From the point of view of governmental organization, the area of ​​emigration stands out in terms of importance. In fact, with the creation of the post of Secretary of State of the Communities, through presidential decree no. 39/2009, the country has shown greater attention to the Guinean diaspora, putting into practice the objectives expressed in the attributions given to the Institute of Support to the Emigrant (extinct), through Decree-Law n.38 / 86 of December 4.

The absence of consultative platforms for migrants (foreigners and diaspora) at government level is notorious. There is, moreover, no representative body and organized dialogue with migrants, such as the Migrants' Council (as in other countries) or Immigrants.

The emigrant associations have contributed, to a great extent, to the development of localities of origin, and almost without articulation with the State. Diplomatic missions and consular posts do not provide meaningful support services to their national citizens abroad. According to Sangreman (et al., 2012) respondents unanimously considered that one of the main obstacles to increasing the benefits of migration is the lack of support from the Guinean State for its diaspora. In 89 per cent of the focal groups, there was a need to improve the functioning of Guinean consular services in order to ensure the information and protection necessary for citizens residing abroad. It was also suggested that diplomatic initiatives by the State be strengthened among the countries hosting Guinean migrants, particularly Portugal, especially in the context of the CPLP and the EU.

For its part, and although some immigrant communities in Guinea-Bissau are already organized in associations, there are no open channels of communication with the state. However, the Office of the High Commissioner for Migration and Intercultural Dialogue will be set up, which will certainly have the task of working towards this end.

This evident lack of communication and cooperation between the State and the representative associations of migrants and immigrants is reflected in the fragile knowledge that the national authorities have about the nature, composition, interests and challenges of the Guinea Bissau diaspora and foreign immigrants in the country.

On the other hand, while immigration is an internal matter of Guinea-Bissau, the Government must recognize its external dimension, particularly as regards the relationship and cooperation with ECOWAS and with the countries from which most workers come. Effective management of migration flows necessarily presupposes that Guinea-Bissau is in contact with the countries of origin and transit of immigrants who come to Guinea-Bissau. There is therefore a need to start dialogue, to carry out regular exchanges of information and to work effectively with third parties at the multi and bilateral level. The same logic applies to the segment of emigration, where the Guinea-Bissau State should initiate efforts to strengthen ties and channels of cooperation with the main destination countries of Guinean emigration.

There were few government initiatives in the past to mobilize the diaspora for the development of Guinea-Bissau. In addition, the only known project was the Temporary Return of Qualified Nationals (TRQN) managed by the United Nations Development Program with the aim of mobilizing the skills of national staff residing abroad in favour of sectors considered important for the development of the country. There are no initiatives to attract or set the return of migrants at the governmental level and support for the reintegration of vulnerable migrants has been in the hands of the International Organization for Migration and non-governmental organizations. The creation of incentives to attract remittances and motivate emigrants to invest their funds in the country of origin are not initiatives. Guinea-Bissau does not have a policy of emigration. National authorities have yet to decide whether or not to promote emigration, and if so, what kind of work abroad should be promoted. A youth employability policy would be needed to address the current mismatch between the country’s needs in terms of expertise and the availability of youth workforce.

In terms of overall protection mechanism for migrant this completely absent in the country. Guinea Bissau is now drafting a National Policy for children Protection.

1. **The GCM consultation in Guinea Bissau**

The GCM in Guinea Bissau took place the10th of October 2017 in Bissau. The event was organized by the Government of Guinea-Bissau, through the Ministry of Foreign Affairs, International Cooperation and of the Communities, with the financial support of the EUTF/IOM initiative on migrant protection and reintegration and with the technical support of the International Organization for Migration. The opening ceremony was chaired by Dr. Fernando Vaz, Minister of Tourism and Crafts, representing His Excellency Dr. Umaro El Mokhtar Sissoco Embalo, Prime Minister of the Government of Guinea-Bissau. His Excellencies Dr. Francisco Malam Ndur Djata, Secretary of State of the Public Order, Ambassador Dino Seidi, Secretary of State for Communities, Eng. Augusto Poquena, Secretary of State for International Cooperation, Mr. Victor Madeira dos Santos, Ambassador of the European Union, Ms. Kourtoum Nacro, Resident Coordinator ai of the United Nations System , Ms. Sophia Nonnenmacher, Deputy Regional Director of IOM. All the themes of the six thematic clusters were addressed during the consultations. In term of contextual analysis, demographics, economic, social and cultural issues in Guinea-Bissau appear to be influenced by the presence of immigrants from the sub region, in particular those from the Republics of Guinea-Conakry and Senegal. In an effective population of 37,230 of the foreign population registered in the 2009 census, 35,597 come from West Africa. The level of education of these immigrants is predominantly related to Koranic school(35 %); primary school 16% and high school 18% while 12% are illiterate. The majority are men ranging from 18 to 35 years old. In terms of returnees migrant in 2016, IOM registered 419 migrants while from January to September 2017, 397 were registered of which 3 women and 4 minors. The migration profile of returnees migrant is of youth predominatly male from 18 to 32 years old mostly coming from the regions of Gabu, Bafata, Oio and Bissau and rom all other regions in a lesser extent.

At the legal and institutional level the following issues related to migration were mentioned:

* Weakness of natioanl legal and policy framework on migration;
* Capacity development need of key state and non-state actors working with migration;
* Lack of national coordination mechanisms on migration issues;
* Weak referral mechanism in place for migrants;
* Needs to address the issue of subregional networks of human trafficking/smuggling.
* Inexistence of a cooperation framework for diaspora;

At the information level:

* Urgent need to better inform citizens on human rights of migrants.

Regarding the Thematic cluster 1 - Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance the following priorities were identified:

* ensure progress in international cooperation aimed at coordinating and harmonizing policies for the regulation of migration.
* reverse the trend of countries adopting more restrictive policies and legislation regarding migrants. Support human rights sensitive policy in relation to migrations and to prevent the discourse and policies considering the immigrant a threat;
* internal legislation needs to be adopted to combat discrimination, hatred and xenophobia against migrants;

Regarding Thematic cluster 2- Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, the following priorities were developed:

* a legal framework should be established in on the protection of refugee and environmental rights.
* Guinea Bissau should develop strategies, technologies, joint and permanent actions to prevent and minimize the impacts of climate change and mass migration of populations.
* Approaches should be strengthened to adapt society to the extreme events of climate change (Flood, Drought, Erosion).
* Provisions should be made in the General Budget of the State of Guinea-Bissau for financial resources for Civil Protection
* Policies should be adopted to foster use of renewable energies, treatment and recycling of solid waste as well as the prohibition of the use of plastic bags;
* discipline on Environmental Education should be included in the school curriculum

Regarding the thematic cluster 3 - International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration the following priorities were discussed:

* the effective application of the ECOWAS and WAEMU protocols with respect to the free movement of persons and goods should be ensured;
* synergies should be fostered between the countries of the north and the south in order to provide adequate responses to the phenomenon of migration;
* Strengthen the capacities of cross boarder authorities in the management and monitoring of migration;
* information and awareness campaigns should be developed in communities on the risks of irregular migration;
* government stability should be fostered to attract investments that foster youth employment.

Regarding thematic cluster 4: Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits. The following priorities were defined:

* economic policies should be adopted to support sending of remittance of migrants, creating incentives (certificate of savings with attractive interest rates); and orientation to diaspora investment in different development domains;
* information and guidance services should be provided to migrants in diplomatic missions.

Regarding thematic cluster 5: Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including identification, protection and assistance to victims.

* Support o interreligious dialogue aimed at protect children in cross-border mobility
* Support a regional effort to prevent human trafficking and smuggling;

Regarding thematic cluster 6: Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications, and other relevant measures.

The following priorities were defined:

* the Conventions on the Protection of the Rights of All Migrant Workers and Members of Their Families need to be ratified;
* Internal legislation should be adopted to combat discrimination, hatred and xenophobia against migrants;
* The State of Guinea Bissau needs to legislate on the requirements and conditions of entry, exit and stay in the territory of Guinea-Bissau;
* Mechanisms should be established to ensure the right of access to justice for victims of racism, xenophobia and intolerance.
* Vocational training centers for the integration of migrants should be established throughout the country.

The following goals were set for the next 2-5-10 years:

* Develop a national migration strategy in the next 2-5 years;
* Ratify international conventions on Migration (in 5 years);
* Revise current legal framework to adopt and revise legislation/policy on human smuggling/trafficking, remittances, residence; work permit to makes it compliant with human rights standards(5-&à years);
* Create regional prevention mechanism in relation to human trafficking/smuggling (5/10 years);
* Support regional synergies for migrant protection, residence to facilitate socio economic inclusion of migrants;

The following challenges were identified:

* Weak legal framework on migration and prevention of human smuggling/trafficking;
* Inexistence of a national policy on migration;
* Not all international convention on migration were ratified;
* A National Plan to prevent and combat human trafficking 2015-18 has been developed and a law n. 12/2011 against human trafficking exist but their implementation is challenging due to lack of information on the above instruments both at the level of the right holders and duty bearers and luck of adequate means for implementation;
* Overall country capacity at the state and OSCs level should be strengthen on migrants’ rights and protection.

Existing law and Policies identified in the domain of migration were:

* The Guinea Bissau’s policy and legal framework on migration and human trafficking/smuggling is still very weak and needs to be strengthened. A National Plan to prevent and combat human trafficking 2015-18 has been developed and a law n. 12/2011 against human trafficking exist but their implementation is challenging due to lack of information on the above instruments both at the level of the right holders and duty bearers and luck of adequate means for implementation;
* Legislative Decree No. 1/92 of 7 February 1992 regulating the entry, stay and exit of immigrants presents enormous weaknesses. It is important to define the reasons and limitations for refusal of entry, as well as the rights of foreign citizens not admitted.
* the general statute of the emigrant, through Decree-Law no. 38/86 of 4 December; It is very obsolete and would require a reformulation but the political will is still not consistence enough to unable the reform;
* Tax exemptions are granted for materials to be cleared by migrants. Imports of goods, including motor vehicles, devoid of a commercial character, carried out by emigrants, shall be exempt from import duties;
* The Constitution of Guinea-Bissau and the electoral law provide for nationals residing abroad the right to active suffrage in presidential and legislative elections. With regard to representation in the People's Assembly, 2 deputies are elected by emigration circles (one in Europe and one in Africa) in a total of 102 representatives of the Nation, or 2 percent of the total number of deputies. The political weight and influence of migrants is strongly limited by their low representation.
* the labor code does not include specific provisions on foreigners' access to the labor market, and the official agents interviewed state that no distinction is made between them and national workers. With regard to equal rights in the labor market, the 1986 General Labor Law makes no reference to nationality.
* The Guinean nationality law (Law 6/2010 of 21 June regulated by Decree-Law No 6/2011 of 23 February) enshrines, since 2010, the right to dual citizenship for its nationals;
* The law against trafficking in persons and related activities (Law No. 12/2011) provides for sentences of between five and twenty years imprisonment.
* Law No. 6/2008 of 27 May defines who can benefit in Guinea Bissau from refugee status in the light of the 1951 Geneva Convention.
* the Permanent Local Integration of Long-term Refugees clause allows long-term refugees in the country the possibility of applying for Guinea-Bissau nationality by means of naturalization with reduced costs and simplified procedures

Supporting the implementation of a better legal framework for migrant protection and reintegration will also have a positive impact on SDGs 3,4,5, related to gender equality, education, and health care. The creation of better employment opportunities for migrants and will support the achievement of SDGs 1, 2 and 10 related to poverty reduction and reduced inequalities. The implementation of mechanisms to address the nexus betwenn environmanet degradation and mobility will support the achievement of the SDGs 13,15,14.

The NMP notes that Guinea-Bissau has no readmission agreement signed with another State.

Guinea-Bissau, as a member of the international community, has signed and ratified various international legal instruments, namely:

• Universal Declaration of Human Rights;

• Convention on the Rights of the Child; the Hague Convention on the Protection of Children and Cooperation under the 1993 International Adoption; ILO Convention 182 on the worst forms of child labor and immediate action to eliminate it in 1999; ILO Convention 138 concerning Minimum Age for Admission to Employment of 1973; the 1989 African Charter on the Rights and Welfare of Children;

• African Charter on Human and Peoples' Rights; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

• African Union Convention on the Protection and Assistance of Internally Displaced Persons (Kampala Convention);

• United Nations Convention against Transnational Organized Crime and its Additional Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, Especially Women and Children;

• ECOWAS Convention on the free movement of persons and property of 1975 and the 1979 Protocol on the free movement of persons, rights of residence and establishment. According to the Protocol, citizens from the subregion do not need an entry visa and are subject to a request for a residence permit if they decide to remain in the country. Guinea-Bissau abolished the entry visa for 90-day stays and joined the ECOWAS passport.

In the framework of the CPLP, it signed the Agreement on the granting of multiple entry visas for certain categories of persons; the Agreement on the granting of visas for students who are nationals of the Member States of the CPLP; the agreement on the granting of a temporary visa for medical treatment to citizens of the CPLP; the Agreement on the Establishment of Specific Offices in the Entry and Exit Stations for the Assistance of Citizens of the Community of Portuguese Speaking Countries, which have not yet been implemented. Moreover, the agreement on the granting of multiple entry visas for certain categories of persons, national of the CPLP - which represents a concrete step towards the facilitation of free movement - is not being implemented in any of the States Parties;

• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

• United Nations Convention against Slavery, Trafficking in Slave Trade, and Institutions and Practices Similar to Slavery. In conjunction with these international conventions, Guinea-Bissau ratified the Multilateral Agreement on Cooperation in the Fight against Child Trafficking in West Africa in 2005 and ratified the ECOWAS / ECCAS Joint Action Plan to Combat Trafficking (2006-2009) ;

• 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees; Convention of the Organization of African Unity Governing the Specific Principles of Refugee Problems in Africa;

• The 1954 Convention relating to the Status of Stateless Persons (the 1954 Convention) and the 1961 Convention on the Reduction of Statelessness ("the 1961 Convention"); Declaration of Abidjan on the Eradication of Statelessness in February 2015 and the Banjul Plan of Action to Eradicate Statelessness in May 2017.

It should be noted that Guinea-Bissau has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and two ILO-specific conventions on migrant workers: C 97 (1949) which defines international standards for the protection of migrants, and C 143 (1975) - the Convention on Migrations in Abusive Conditions and on the Promotion of Equal Opportunities and the Treatment of Migrant Workers. It states, inter alia, that States Parties undertake to systematically determine whether there are migrants illegally employed in their territory and whether there are migrations for employment purposes in or on their territory or in transit. migrants are subjected to conditions contrary to applicable multilateral or bilateral instruments or agreements, or national laws, during their travel, arrival or stay and period of employment.

1. **Conclusions and recommendations**

Migrations is essentially inherent to the history of humanity and a fundamental feature of human development and survival as a specie.

Many migrants are able to move in safety and dignity, yet millions more are forced to move in unsafe, irregular and (necessarily) disorderly ways, often leaving their homes because of lack of choise.

No one counts them, their vulnerability can be difficult to articulate and often remains unrecognized, so they live in the shadows constantly at risk of further exploitation (Oberoi, 2018).

The understanding of who is a ‘migrant’ is [contested](https://meaningofmigrants.org/) and divergent views exist. As an illustration of this, the [UN Human Rights Office](http://www.ohchr.org/Documents/Issues/Migration/StudyMigrants/OHCHR_2016_Report-migrants-transit_EN.pdf), in recognition of the lack of a universal legal definition has described the category as an umbrella term for those people who cross international borders and lack a citizenship attachment to their country of destination. For the purposes of this article, however, and in keeping with the logic of the [Global Compact for safe, regular and orderly migration](https://refugeesmigrants.un.org/migration-compact) (GCM) which applies only to ‘non-refugees’ in order to mark a difference with the [Global Compact on Refugees](https://refugeesmigrants.un.org/refugees-compact), this article is directed only to those people who would not meet the definition of a refugee within the 1951 Refugee Convention.

The foremost contribution of the GCM lies in its [recognition](https://refugeesmigrants.un.org/sites/default/files/180326_draft_rev1_final.pdf) that people must be at its center, and accordingly in its promise to alleviate the risks and vulnerabilities that migrants face by respecting, protecting and fulfilling their human rights. As noted by man analysts protection of human rights also is a central topic of the [New York Declaration](https://refugeesmigrants.un.org/declaration), in which Member States of the United Nations commit to combat with *all the means at their disposal* the abuses and exploitation suffered by countless refugees and migrants in vulnerable situations (emphasis added). Guinea Bissau successfully undertook the GCM national consultation and is now guided by a new executive since April 2018 whose major objective was to organize elections of November 2018. As the constitutional target for November elections is fading away some advances on good governance of migration are silently occurring such as the launch of the National Migration policy foreseen for the beginning and the analysis of the level of integration of migration in public policy and the presentation of the National Migration profile supported by IOM.

Nonetheless in the context of a state with fragile institutions such as Guinea Bissau how can the mechanisms to fulfill protection to vulnerable migrants function and be held accountable? Which mechanisms are to be put in place to fulfill the GCM framework and its recommendation? Are stateless models of human rights to be experimented in this case?

These are compelling questions for Guinea Bissau especially in an historical conjunction of elections, political dispute for power and even weaker state institutions due to the focus on political divide concerning upcoming electoral ballot. Examples of civil society organization substituting the states in the domain of education, healthcare and protection exist their action is undermined by unpredictability of funding, weak quality check of their approached and intermittent communication with state counterparts.

In terms of good governance on migration the following should be considered:

* The State should support a comprehensive mechanism for migrant protection seeking partnership with national NGOs and other partners working in the domain. For example state budget could support children shelter managed by NGOs as well as NGOs working on direct assistant to stranded migrants as well as on the protection system of migrants;
* The state should ensure coordination with the different actors working on migration;
* Develop a policy of migration taking into account both immigration and emigration;
* Support implementation of ECOWAS protocol on free movement of people and goods;
* mitigate the effects of the emigration of highly qualified persons and develop adequate responses, in particular through the creation of temporary return policies (more difficult to be permanent returns);
* strengthen the flow of information to the diaspora, through different channels, regarding the procedures to be adopted for various purposes in Guinea-Bissau;
* effectively realize the right to vote of communities abroad (this would strengthen ties and trust between the diaspora and Guinea-Bissau);
* improve the functioning of Guinean consular services in order to ensure the information and protection necessary for citizens residing abroad;
* prevent the outflow of nationals by irregular routes and to prepare for emigration through information campaigns and the creation of local employment mechanisms for youth;
* increase the channels of regular migration - sign labor migration agreements with countries of destination;
* make the process of medical boards and requests for medical evacuation more transparent;
* support the reintegration of migrants, avoiding creating inequalities in opportunities between migrants and non-migrants. This could include vocational training, literacy and the financing of individual micro-projects involving non-migrants and community projects, with due monitoring and evaluation. The psychological assistance component should be considered;
* to support the federalization of migrant associations, as is already the case in France, as key interlocutors of the government of Guinea-Bissau;
* creation of incentives to send remittances through formal channels and measures to channel them for productive purposes.

In terms of the recommendation to fulfill GCM principle:

* CSOs should emit periodic reports that should be discussed annually with the State and relevant stakeholders to monitor the status of fulfillment of migrants’ rights;
* Mechanisms should be put in place to ensure overall protection of vulnerable migrants and their families with special attention for victims of trafficking;
* State institution should contribute with technical and financial support to the work and services provided by NGOs in the domain of migrants’ protection and support to victim of trafficking;
* Creative ways to ensuring protection and service provided to stranded migrants or victims of trafficking should be envisaged for example diaspora cooperation on medical support or public private partnership.

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1. Population projections by National Institute of Statistics (INE), 2013 [↑](#footnote-ref-1)
2. Youth Policy Document, 2015, Government of Guinea-Bissau [↑](#footnote-ref-2)