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U.S. Department of State

Guinea-Bissau Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

GUINEA-BISSAU

Joao Bernardo Vieira was elected President in the Republic of Guinea-Bissau's first multiparty elections in 1994. Vieira has ruled the country since taking power in a 1980 coup. He is also the President of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), which was the only legal political party from independence in 1974 until adoption of a multiparty constitution in 1991. The PAIGC holds 62 of the 100 seats in the National Assembly where 4 other parties are represented. The Constitution provides for an independent judiciary, but its functioning is hampered by a lack of resources and by corruption.

The police, under the direction of the Ministry of Internal Administration, have primary responsibility for the nation's internal security. The armed forces are responsible for external security and may be called upon to assist the police in internal emergencies. The police were responsible for human rights abuses.

The population of 1 million relies largely upon subsistence agriculture. Annual per capita gross domestic product is estimated at \$840. The economy remained stable in 1996, but inflation continued at approximately 50 percent. The country is burdened by a heavy external debt and has inadequate tax revenues.

Political pluralism brought about greater transparency. However, the overall human rights situation did not improve during the year. Police continued to engage in arbitrary detention, physical mistreatment,

and other forms of harassment. In addition, the police shot and killed one person and gravely injured another in the aftermath of a demonstration. The Government did not punish any members of the security forces for abuses. Prison conditions remain poor, and prolonged detention and a lack of due process continue. The Government restricts freedom of assembly. Journalists continue to practice self-censorship, and the Government infringes on citizens' right to privacy. Discrimination against women and children are problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killings

There was one known extrajudicial killing in 1996. In July the Minister of the Interior agreed to allow Spain to deport about 50 Africans of varying nationalities illegally resident in Spanish Morocco to Guinea-Bissau. The Spanish Government agreed to pay for the maintenance and repatriation of the deportees. On September 23, Guinean police shot and killed one of the deportees while he was sitting on a wall outside of the jail where they were being housed. This action was apparently in retaliation for a march earlier in the day that the deportees conducted in front of the Presidential palace to protest their conditions. In addition another deportee was shot and severely wounded. The Government has undertaken an investigation of this affair.

The 1992 death of Ussumane Quade, an army officer beaten to death while in police custody, remains unresolved. Human rights monitors continue to press for a thorough and impartial investigation of his death, ostensibly a suicide, but police have refused to cooperate.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits cruel and inhuman punishment, and evidence obtained through torture or other coercion is invalid. However, the Government often ignores these provisions. Security and police authorities have historically employed abusive interrogation methods, usually in the form of severe beatings or deprivation. The Government rarely enforces provisions for punishment of abuses committed by security forces. Beatings and deprivation have continued to be used in prisons as a means of coercion. The head of the national police has initiated a program to educate police in the interior against using such methods.

Two policemen accused of rape in 1995 have yet to stand trial, and no trial date has been set. Human rights monitors report other incidents in which police accused of rape or mistreatment of prisoners have not been prosecuted.

The Prime Minister and his bodyguards slapped and pushed three citizens in three unrelated incidents. The attacks were not politically motivated, and no serious injuries occurred.

Prison conditions are poor, but generally not life threatening. The Human Rights League has offered to pay for prison improvements, but the Government has denied it access to prisoners.

d. Arbitrary Arrest, Detention, or Exile

The legal system provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial. In practice, the judicial system generally fails to provide these rights.

Police detain suspects without judicial authority or warrants, occasionally through the devices of house arrest. The Government holds detainees without charge or trial for extended periods of time, sometimes incommunicado.

Human rights monitors estimate that pretrial detainees arrested without warrants and imprisoned without charge make up more than 90 percent of the prison population. The authorities do not routinely observe bail procedures.

The case of the deportees from Spain highlights this problem. They were initially housed in a jail in Bissau, although allowed to come and go as they pleased. Following the September 23 incidents, they were held without charges at a military prison outside of Bissau. Human rights groups and other interested parties were originally denied access to them. The deportees have since been released. The Nigerian, Guinean, and Spanish Governments repatriated the Nigerian refugees through Gambia. The remaining refugees are insisting on greater compensation in exchange for their agreement to leave the country.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but judges, who are poorly trained and paid, are sometimes subject to political pressures and corruption.

Trials involving state security are conducted by civilian courts. Military courts try only crimes under the Code of Military Justice committed by armed forces personnel. The Supreme Court is the final court of appeal for both civilian and military cases. The President has the authority to grant pardons and reduce sentences.

Despite its problems, the judicial system is sometimes capable of providing a fair trial, even in controversial cases. Several policeman accused of being accomplices to armed robbery in September 1995 were tried, convicted, and are now in prison.

Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional law still prevails in most rural areas, and urban dwellers often bring judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. Police often resolve disputes. There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of domicile, person, and correspondence, but the Government does not always respect these rights. The authorities examine international and domestic mail, the security forces seldom use judicial warrants, and the police sometimes force entry into private homes.

Section 2 Respect for Civil Liberties Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, but journalists continue to practice self-censorship.

In addition to the government-run newspaper, there is a daily newspaper and four weekly newspapers. However, the weekly newspapers have not published regularly due to financial constraints.

There are currently five independent radio stations in Bissau in addition to the government-controlled station. Two of these are French and Portuguese radio stations, retransmitted in Bissau directly from Paris and Lisbon.

In September and October, Radio Pindjiguiti, one of the private stations, alleged Government harassment due to its unfavorable coverage of the Government's handling of the African deportee situation and temporarily ceased news broadcasts. President Vieira intervened and guaranteed the safety of the station, allowing it to resume news broadcasts 48 hours later.

Academic freedom is observed in schools and research institutions.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, but the Government restricts the right in practice. Government approval is required for all assemblies and demonstrations. Requests are not always approved.

In May the Government denied the Guinean Human Rights League permission to march peacefully in protest of Prime Minister Saturnino da Costa's management of the economy and three separate assaults by the Prime Minister and his bodyguards on citizens.

In September the Government responded with excessive violence to an illegal protest in front of the Presidential palace by the African deportees from Spain. Police killed one deportee and injured another (see Section 1.a.).

The Government does not prohibit or discourage actively the formation of associations, nor does it impose any restrictions on private associations.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. While religious groups must be licensed by the Government, none has been refused. Various faiths, including Jehovah's Witnesses, continued missionary operations during the year.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government generally does not restrict movement within the country, foreign travel, or emigration. However, checkpoints and police harassment occur. Passports are issued by the Minister of Internal Administration. Citizens are guaranteed the right to return and are not subject to political revocation of their citizenship. There are no provisions for asylum.

The Government provided first asylum to Senegalese refugees from the Casamance during that region's conflict. The number of Senegalese refugees has remained stable at 20,000 as tensions have eased in Senegal's Casamance region. The United Nations High Commissioner for Refugees (UNHCR) has set up a refugee camp in Jolomete well south of the Senegalese border. The Government requested this location in order to prevent refugees from being involved in the Casamance separatist movement, thereby eliminating conflicts between the Governments of Senegal and Guinea-Bissau. As of June, the Jolomete camp had about 550 refugees. There were no reports of forced return of Casamance refugees.

In the case of other refugees, the Government has generally cooperated with the UNHCR. It granted first asylum to Liberian and Sierra Leonean refugees in 1996. There have been no reports of forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

In 1994 voters were able to freely choose their government for the first time in the nation's history. The PAIGC retained power in elections judged to be free and fair by international observers, although they acknowledged some irregularities. The Minister of Territorial Administration scheduled local elections for December; however, these were postponed until the first quarter of 1997.

Women are underrepresented in the political process. Eight of the 100 National Assembly deputies are women, and there is a women's caucus that cuts across party lines. Only 2 of 21 Cabinet ministers are women.

Section 4 Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not interfere with the Guinea-Bissau Human Rights League and international human rights groups, which continued to investigate human rights abuses objectively without government harassment. However, the League's planned conference on police and prison reform was canceled for the third consecutive year due to the Government's unwillingness to allow police to attend. The Government denied the Human Rights League access to some prisoners.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.

The Constitution and law prohibit discrimination on the basis of sex, race, and religion. In practice, however, the Government does not effectively enforce these provisions.

Women

Physical violence, including wife beating, is an accepted means of settling domestic disputes. Although police will intervene in domestic disputes if requested, the Government has not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Discrimination against women persists although officially prohibited by law. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women can not own or manage land nor inherit property.

Children

The Government allocates only limited resources for children's welfare and education.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is widely practiced within certain ethnic groups, especially the Fulas and the Mandinkas. The practice is increasing as the population becomes more Muslim. The practice is also now being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has neither outlawed the practice nor taken effective action to combat it.

People with Disabilities

There is no legislation mandating accessibility. The law does not specifically prohibit discrimination against people with disabilities, and the Government does not ensure equal access to employment and education. The State has made some efforts to assist disabled veterans through pension programs, but these programs do not adequately address veterans' health, housing, and food needs.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority of the population works in subsistence agriculture. Most union members are government or parastatal employees; only a small percentage of workers are in the wage sector and are organized.

The Government registers all labor unions. There are 11 labor unions registered and operating. All unions are officially independent of the Government, but seven unions are affiliated with the National Trade Union Confederation (UNTG), which retains close informal ties with the PAIGC. The law does not favor UNTG-affiliated unions over others. The Constitution provides for the right to strike and protection from retribution against strike activities.

The only legal restriction on strike activity is the requirement for prior notice. Legal strikes were conducted by several unions, with no retribution against the strikers.

All unions are free to affiliate freely with national confederations and international labor organizations of their choice.

b. The Right to Organize and Bargain Collectively

The Constitution does not provide or protect the right to bargain collectively, and there were no instances of genuine collective bargaining. Most wages are established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers.

The Government's provisions for the protection of workers against antiunion discrimination has very little effect due to low union membership. The Government has not taken further action, but no workers have alleged antiunion discrimination. The Government adopted no laws to establish penal sanctions against employers practicing such discrimination. The practice is not widespread.

There are no export processing zones.

c. Prohibition of Forced and Compulsory Labor.

Forced or compulsory labor is not permitted by law and is not known to exist. An individual accused of coercing labor in 1995 was found guilty and fined.

d. Minimum Age for Employment of Children

The General Labor Act of 1986 established a minimum age of

14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements are generally followed in the small-wage sector, but the Ministry of Civil Service and Labor does not enforce these requirements in other sectors. Children in cities often work in street trading, and those in rural communities do domestic and field work without pay. The Government does not attempt to discourage these traditional practices.

e. Acceptable Conditions of Work

The Government's Council of Ministers annually establishes minimum wage rates for all categories of work but does not enforce them. The lowest monthly wage is less than \$20 (600,000 pesos). This wage is inadequate to maintain a minimum standard of living, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture. The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision.

The Ministry of Civil Service and Labor establishes legal health and safety standards for workers, with the cooperation of the unions, which are then adopted into law by the National Assembly. However, these standards are not enforced, and many persons work under conditions that endanger their health and safety.

Workers do not have a guaranteed right to remove themselves from unsafe working conditions without losing their jobs. Given high unemployment, a worker who left for such reasons would be readily replaced.

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