



2008 Human Rights Report: Guinea-Bissau

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Guinea-Bissau is a multiparty republic with a population of approximately 1.7 million. In 2005 Joao Bernardo "Nino" Vieira defeated the candidate of the ruling African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) to become president. Legislative elections on November 16 were characterized by international observers as transparent and well organized. Civilian authorities did not maintain effective control of the security forces; members of the military launched what appeared to be failed coup attempts on August 8 and November 23.

The government generally respected the human rights of its citizens; however, the following problems occurred: arbitrary killings; poor prison conditions; arbitrary arrest and detention; lack of judicial independence and due process; interference with privacy; harassment of journalists; widespread official corruption, exacerbated by suspected government involvement in drug trafficking, and impunity; violence and discrimination against women; female genital mutilation (FGM); child trafficking; restrictions on legal strikes and use of force on strikers; and child labor, including some forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings.

On April 11, security forces arrested a member of the judicial police for allegedly killing a member of the public order police the same day. Hours after the arrest, the Interior Ministry's special intervention force raided the judicial center where the judicial police officer was being held pending criminal charges, took possession of the prisoner at gunpoint, and fled the scene. On April 12, the body of the judicial police officer, which showed signs of torture, was dumped in front of a judicial police station. The motive behind the killings was unclear. In an April 14 press conference, Interior Minister Certorio Biote characterized both killings as isolated incidents. Some observers suggested the first killing was a result of a personal dispute that got out of hand, while the second killing reflected the institutional rivalry between the interior and judicial ministries and the judicial and public order police. An investigatory commission formed after the killings resulted in no findings or arrests by year's end.

On November 23, two presidential guards died during an apparent military coup attempt. On December 1, in Dakar, Senegalese police arrested Alexandre Tchama Yala, the suspected leader of the coup.

The investigation into the 2007 execution-style killing of former Commodore Lamine Sanha remained open at year's end. No investigation was conducted into police use of excessive force or military use of lethal force to disperse subsequent demonstrations against suspected government involvement in the killing.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, security forces did not always respect this prohibition. The government rarely punished members of the security forces who committed abuses.

Unexploded ordnance resulted in injuries during the year.

Prison and Detention Center Conditions

There are no formal prisons, and the government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring towns. Conditions of confinement were poor. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were held together with convicted prisoners, and juveniles were held with adults.

The government generally permitted independent monitoring of detention conditions by local and international human rights groups. During the year representatives from the International Committee of the Red Cross (ICRC) and the Office of the Representative of the UN Secretary General visited prisoners. Meetings with prisoners occurred without third parties present, although the government required advance scheduling and did not permit regular repeated visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions; however, security forces sometimes arbitrarily arrested immigrants and became involved in settling personal disputes, detaining persons upon request without full due process.

Role of the Police and Security Apparatus

The country is divided into 37 police districts, and there were an estimated 3,500 police in nine different police forces reporting to seven different ministries. The approximately 100 officers of the judicial police, under the Ministry of Justice, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crime, while the 1,300 members of the public order police, under the Ministry of Interior, are responsible for preventive patrols, crowd control, and conventional maintenance of law and order. Other police forces include the state information service, the border service, the rapid intervention force, the maritime police, and other groups. According to the constitution, the armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. However, the armed forces regularly intervened in narcotics investigations conducted by judicial police. For example, following the July 12 grounding at Bissau airport of a plane suspected of transporting narcotics, members of the armed forces tampered with evidence and interfered with the investigation. Members of the military allegedly were responsible for two failed coup attempts during the year.

Police were ineffective, poorly and irregularly paid, and corrupt. Impunity was a problem. Police, who until recently had no handcuffs, could not afford fuel for the few vehicles they had, and there was a severe lack of training. Police in Gabu had one motorcycle for 87 officers and no formal police training since 1996. Transit police were particularly corrupt and demanded bribes from vehicle drivers, whether their documents and vehicles were in order or not. Corruption and lack of detention facilities and vehicles frequently resulted in prisoners simply walking out of custody

in the middle of investigations. The attorney general was responsible for investigating police abuses; however, employees at the Attorney General's Office were also poorly paid and susceptible to threats and coercion. An investigative commission was exploring at year's end the death of a member of the public order police and the apparent reprisal killing of the judicial police member; judicial police officers conducted a six-week work stoppage to protest the reprisal killing of one of their members.

Arrest and Detention

The law requires arrest warrants, although warrantless arrests often occurred. The law provides for the right to counsel and to counsel at state expense for indigent clients; however, lawyers did not receive compensation for their part-time public defense work and often ignored state directives to represent indigent clients. The law requires that detainees be brought before a magistrate within 48 hours after arrest and that prisoners be released if no timely indictment is filed; however, authorities did not always respect these rights in practice. There was a functioning bail system, and pretrial detainees were allowed prompt access to family members.

Criminal suspects, particularly immigrants, were sometimes arrested without warrants. For example, following a December 14 killing and a December 15 armed robbery in Bissau (both crimes allegedly perpetrated by Nigerian nationals), police rounded up and arrested without warrants approximately 100 Nigerians.

The vast majority of the prison population consisted of detainees awaiting the conclusion of their trial; however, few detainees remained in custody for longer than one year. Most left before the conclusion of their trials as a result of inadequate detention facilities, lack of security, and rampant corruption. The few prisoners who were convicted seldom remained in custody for more than two years. Prisoners remanded to their homes due to space constraints in detention facilities often failed to return to prison.

Amnesty

In April the president granted amnesty to civilians and members of the military who committed crimes from 1980 to 2004. The move was widely viewed as an attempt to absolve military and other officials complicit in coups, attempted coups, and the civil war of 1998. Proponents of the amnesty asserted that it was a necessary step towards national reconciliation.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, in practice, there was little independence, and the judicial branch as a whole was largely nonfunctional. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. Courts and judicial authorities were also frequently accused of bias and passivity, according to an October report published by the International Federation for Human Rights. The attorney general had little protection from political pressure since the president needs no other approval to replace the incumbent. Trials were often delayed by lack of materials or infrastructure, and convictions were extremely rare.

The government arrested members of the judiciary for suspected corruption during the year. For example, on August 26, the Supreme Judicial Council suspended Judge Gabriel Djedjo on corruption charges. On August 19, Djedjo had released on bail four suspects, including two South American crew members being held on suspicion of narcotics trafficking following the July 12 grounding of a plane from Venezuela. The pilot of the plane, which was believed to be transporting 500 kilograms of cocaine, disappeared following his release from custody. In 2006 Djedjo had ordered the release of two Colombian citizens arrested the previous month while transporting 674 kilograms of cocaine, the largest drug seizure in the country's history. The two Colombian citizens immediately fled the country following their release.

Judicial officials who displayed independence or resisted corruption were threatened during the year. On May 23, Ansumane Sanha, the president of the Association of Guinean Judges, told the press that Supreme Court judges had received death threats to influence their positions in advance of a Supreme Court hearing on the constitutionality of a proposed law to extend the National Assembly's mandate. Threats notwithstanding, on August 1, the Supreme Court ruled that the law was unconstitutional.

During the year Minister of Justice Carmelita Pires, Attorney General Luis Manuel Cabral, and Judicial Police Director Lucinda Aukarie received telephonic death threats in response to their stance against drug trafficking and their willingness to arrest and prosecute drug dealers and their accomplices.

The judicial branch is made up of the Supreme Court, regional courts, a financial court, and a military court. The Supreme Court is the final court of appeal for both military and civilian cases. Regional courts have both criminal and civil branches. The financial court tries financial crimes, such as embezzlement, and has jurisdiction over regional courts. Military courts do not try civilians, although civilian courts try all cases involving state security, even if the accused are members of the military. The president has the authority to grant pardons and reduce sentences.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. Police also often resolved disputes.

Trial Procedures

There is no trial by jury. The law provides for a presumption of innocence, the right to have timely access to an attorney, to question witnesses, to have access to evidence held by the government, and to appeal. Trials in civilian courts are open to the public. Defendants have the right to be present and to present witnesses and evidence on their behalf. For those few defendants whose cases went to trial, these rights were respected in practice. Citizens who cannot afford an attorney have the right to a court-appointed lawyer; however, court-appointed attorneys received no compensation from the state for representing indigent clients, were not punished for failing to do so, and generally ignored such responsibilities.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judicial system handles civil as well as criminal matters, but it was neither independent nor impartial. There was no administrative mechanism to address human rights violations. Domestic courts orders often were not enforced.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that security forces cut the telephone lines of persons who criticized the government; however, police routinely ignored privacy rights and protections against unreasonable search and seizure. For example, following two violent December crimes in which Nigerian nationals were implicated, police searched the homes of hundreds of Nigerians without warrants and confiscated all suspected contraband.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights in practice. Unlike in the previous year, there were no reports that security forces detained persons for exercising their right to free speech. Some journalists practiced self-censorship.

In addition to the government-owned newspaper No Pintcha, several private newspapers published without restriction. All newspapers were published through the state-owned printing house. The national printing press often lacked raw materials, and salaries were not always paid, resulting in publication delays.

There were several independent radio stations, a national radio station, and a national television station. International radio broadcasts could be received.

Unlike in the previous year, there were no reports that journalists were arrested; however, some journalists reported anonymous threatening telephone calls and being summoned to government premises to explain their activities or statements, while others reported prolonged court proceedings that impeded their work.

In July Fafali Koudawo, the director of the private newspaper Kansare, was questioned by the Office of the Prosecutor General after publishing an article on two former senior army officers who received death threats after characterizing the methods used by the Chief of the General Staff as "authoritarian and anticonstitutional."

Unlike in the previous year, there were no reports that journalists fled into exile after receiving death threats in connection with stories linking drug traffickers with local security forces. Radio France reporter Allen Yero Embalo remained in exile in France. In 2007 Embalo fled the country after unknown persons broke into his home and stole his camera, video footage of a report on drug trafficking, and over 600,000 CFA (\$1,200).

The case against Reuters journalist Alberto Dabo, who in 2007 was charged with defamation, abuse of freedom of the press, violating state secrets, and slander, remained pending. In July 2007 former Navy chief Jose Americo "Bubo" Na Tchuto attempted to arrest Dabo for his translation of a statement that cited Na Tchuto as the source of allegations of military involvement in drug trafficking. In August Na Tchuto, the chief plaintiff in the case, fled the country following an alleged failed coup attempt.

Unlike in the previous year, the government did not order the closure of radio stations. In 2007 the interior minister ordered Bombolom radio station to close after it broadcast a report on the killing of a state official and police use of excessive force to disperse subsequent riots. Bombolom, which remained open because the police commissioner refused to enforce the interior minister's order, continued to operate during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure, equipment, and education severely limited access to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, in response to the November 23 attack on the president's residence, the government on December 6 banned public demonstrations. Despite the ban, which remained in effect at year's end, demonstrations continued to occur. Unlike in the previous year, there were no reports that police forcibly dispersed demonstrators. Permits were required for all assemblies and demonstrations.

No action was taken against the soldier who in January 2007 reportedly shot and killed a demonstrator at close range; the government claimed the demonstrator died of asphyxiation.

Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Although religious groups require a government license, there were no reports that any applications were refused.

Societal Abuses and Discrimination

There was no Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The law did not specifically prohibit forced exile; however, the government did not use it.

Internally Displaced Persons (IDPs)

IDPs moved back and forth over the border with Senegal, depending on the status of the ongoing armed conflict in Senegal's Casamance region. With tribal and family ties on both sides of the poorly marked border, the nationality of IDPs was not always clear.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating

to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government did not grant refugee status or asylum during the year.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in November legislative elections that were characterized by international observers as transparent, well organized, and well executed.

Elections and Political Participation

In the November 16 legislative elections, the PAIGC gained 22 seats in the National Assembly to become the ruling party with 67 of 100 seats. The Party for Social Reform (PRS), headed by former president Koumba Yala, won 28 seats, a loss of seven. The Republican Party for Independence and Development, founded in February with tacit support from President Vieira, who previously headed the PAIGC, won three seats. Unlike in previous elections, no violence occurred, and allegations of vote buying were not substantiated, although international observers noted technical irregularities, such as inconsistent sealing of ballot boxes and a lack of vehicles to transport ballots to regional polling centers. In October election workers declared a strike due to the government's failure to pay at least 80 percent of back wages and debts owed to workers, vendors, and contractors from the 2005 presidential election. Election workers returned to their jobs by the end of the month after being promised that salaries would be paid in 2009.

The November 16 elections were originally scheduled for April 2008 as a result of the formation of a government of national unity in March 2007 that included the PAIGC, the PRS, and the United Social Democratic Party. However, on March 25, citing inadequate preparation, President Vieira rescheduled the elections for November 16. The president added that the role of parliament would be filled by the National Assembly's standing committee once the legislature's mandate expired on April 21. On March 27, the National Assembly responded by passing an exceptional transitional constitutional law that extended its mandate until the November 16 elections. On July 25, the PAIGC pulled out of the coalition government. On August 1, the Supreme Court ruled unconstitutional the exceptional transitional constitutional law. The ruling, which was welcomed by civil society organizations, prompted President Vieira to dissolve the National Assembly on August 5. In a decree published on the same day, the president dismissed the government and appointed a new prime minister to set up a caretaker government to oversee the legislative elections.

Members of the military launched what appeared to be failed coup attempts on August 8 and November 23. In August authorities reported that they had uncovered an attempted coup, allegedly organized by Jose Americo Bubo Na Tchuto, the Navy chief of staff. While the motive and seriousness of the coup attempt remained in question, observers noted that Na Tchuto, long suspected of involvement in narcotrafficking, may have acted to preempt incrimination in the July offloading of narcotics from a plane from Venezuela held at the airport in Bissau. Na Tchuto was suspended and kept under house arrest, but subsequently escaped. On August 12, authorities in The Gambia reported that they had arrested him. Na Tchuto was later released and reportedly was moving freely and openly in Banjul, The Gambia.

On November 23, two days after the announcement of the official election results, low-ranking sailors and soldiers fired on the home of President Vieira. While the president was unharmed, one person was killed.

The National Assembly has ten female members. The Supreme Court president, three of the 19 government

ministers, and one of nine state secretaries also were women.

All ethnic groups were represented in the government, although the minority Balanta ethnic group dominated the army.

Government Corruption and Transparency

Official corruption and lack of transparency were endemic at all levels of government. Members of the military and civilian administration reportedly assisted international drug cartels by providing access to the country and its transportation facilities. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues. The World Bank's Worldwide Governance Indicators reflect that corruption was a severe problem.

According to the September Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, the country was rapidly moving from being a transit hub to a major market place in the drug trade. The UN Office on Drugs and Crime reported during the year that the country was becoming a strategic link in the transport of illegal narcotics from South America to Europe.

Systemic failure to act throughout the police, military, and judiciary resulted in the near absence of prosecutions of drug traffickers. The most recent prosecution of a trafficker occurred in 2006. The defendant, who bought cocaine that had washed ashore, was sentenced to eight years' imprisonment, but served only a few months because the country had no adequate detention facility. Drug traffickers usually had official protection at some level. If judicial police were able to overcome this obstruction, they had no resources to conduct investigations, no detention facilities to detain suspects, and no means of transporting detainees to court. Judges and guards, who went months without receiving salaries, were highly susceptible to corruption and often released suspected traffickers, who subsequently disappeared.

The failure to interdict suspected narcotics flights contributed to the perception of government and military involvement in narcotics trafficking. For example, on July 12, a plane from Venezuela landed at Bissau airport without the requisite landing or overflight permits or the prior knowledge of airport officials. Immediately on landing, it was cordoned off by military personnel, and its cargo was unloaded into vehicles and taken to an unknown destination. The minister of justice announced that she had not been notified of the unauthorized landing of the plane until July 17. On July 19, the plane crew and two airport control officers were detained, but released on August 19 by order of a criminal court judge, despite the issuance of an international warrant against the pilot and protests by the minister of justice and the prosecutor general. The military, which blocked a joint investigation by the UN Office on Drugs and Crime, INTERPOL, and others, made contradictory statements about the cargo, ultimately claiming it was medicine from Spain.

No action was taken in the 2006 disappearance of 674 kilograms of cocaine from official custody and the release without charge of the suspects involved.

The law provides that "everyone has the right to information and judicial protection"; however, such access was seldom provided.

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

A number of domestic and international human rights groups generally operated without government restriction,

investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Unlike in previous years, there were no reports that NGO members had been harassed or threatened by authorities. The two major human rights organizations were the Human Rights League of Guinea (LGDH) and the Observation League.

Mario Sa Gomes, the president of the NGO Guinean Association of Solidarity with the Victims of Judicial Error (AGSVEJ), claimed that he had been harassed and threatened by security agents and members of the armed forces throughout 2007. Sa Gomes, who was summoned in 2007 at least 14 times by judicial bodies including the Office of the Prosecutor-General, claimed the harassment resulted from his radio interviews urging authorities to combat security force impunity and to investigate and prosecute drug traffickers and those responsible for politically motivated murders and other suspicious deaths. After a July 2007 radio interview, in which he called for the dismissal of army chief General Batista Tagme Na Wai for involvement in drug trafficking, Sa Gomes went into hiding. Intervention by the UN Representative in country resulted in the assignment of two bodyguards to Sa Gomes and a government pledge not to harm him; however, Sa Gomes reported that he continued to face difficulties pursuing his work with AGSVEJ. The arrest warrant against Sa Gomes had not been withdrawn by year's end; however, General Na Wai, the sole complainant on the warrant, stated publicly that he had forgiven Sa Gomes, that he would not press charges, and that Sa Gomes was free to return to the country without fear of harassment. Sa Gomes remained in self-imposed exile at year's end.

Luis Vas Martins, president of the NGO LGDH, reported receiving anonymous threatening phone calls and knocks on his door in 2007, which he believed were linked to his actions to promote human rights.

In September 2007 security forces raided the offices of the Confederation of Students' Associations and removed the organization's archives, a computer, a printer, and a power supplier. An investigation was begun, but there were no results by year's end.

The government permitted visits by UN representatives and the ICRC. The UN and ICRC published reports, with which the government generally concurred.

During the year the UN Office on Drugs and Crime issued a report criticizing the country for its involvement in organized crime and the drug trade (see section 3, corruption).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination but does not designate the bases of discrimination; the government did not enforce prohibitions against discrimination.

Women

The law prohibits rape, including spousal rape, but government enforcement was limited. No information on the extent of the problem was available.

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There is no law that prohibits domestic violence, and politicians were reportedly reluctant to address the subject for fear of alienating more traditional voters or particular ethnic groups. Although police intervened in domestic disputes if requested, the government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits prostitution, but enforcement was weak.

There is no law prohibiting sexual harassment, and it was a problem.

The law treats men and women equally and prohibits discrimination; however, discrimination against women was a problem, particularly in rural areas where traditional and Islamic laws were dominant. Women were responsible for most work on subsistence farms and had limited access to education, especially in rural areas. Women did not have equal access to employment. Among certain ethnic groups, women cannot manage land or inherit property. Although no data was available, women reportedly experienced discrimination in access to credit, employment, pay for similar work, and owning a business.

Children

The government allocated limited resources for children's welfare and education. Public schooling was free and universal through high school, but not compulsory. Teachers were poorly trained and paid, sometimes not receiving salaries for months at a time, which resulted in closure of the schools for nearly half of the school year. Children often were required to help their families in the fields, which conflicted with schooling.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM, not only on adolescent girls, but also on babies as young as four months old. The government has not prohibited the practice.

Child marriage occurred among all ethnic groups, but no reliable data existed to quantify the problem. Girls who fled arranged marriages often were forced into prostitution to support themselves. The practice of buying and selling child brides also reportedly occurred on occasion. Local NGOs worked to protect the rights of women and children and operated programs to fight child marriage and to protect the victims of child marriage. Observers noted during the year that NGO efforts to enroll more girls in school had a negative side effect on child marriages: more girls were forced to marry at a younger age because parents feared the social opportunities of school would increase the risk of their daughters losing their virginity before marriage.

The Child Protection Office of the Bissau Police Department estimated that approximately 1,000 children were living on the streets of Bissau, with a growing number of boys engaged in gangs and petty crime. The government provided no services to street children.

Trafficking in Persons

The law does not prohibit trafficking in persons, and children were trafficked from and within the country. Boys, known as "talibes," were sent from rural areas to attend Koranic schools in neighboring countries, primarily Senegal, where they were exploited, abused, and forced to beg to meet daily monetary quotas for their Koranic teachers known as "marabouts." Other boys were sent to work in cotton fields in the south of Senegal. Girls were sometimes exploited as prostitutes.

Surveillance committees established by local police on both sides of the country's border with Senegal increased surveillance during the year and contributed to the interception by year's end of 168 trafficked children. With the assistance of the Embassy of Guinea-Bissau in Dakar, 63 "talibes" who were enduring harsh conditions and forced begging on the streets of Dakar were repatriated to the country during the year.

Traffickers often were teachers in Koranic schools and related to the families of victims. Traffickers typically approached the parents of young children and offered to send the children for a religious education where they would be taught to read the Koran. Parents received no compensation for sending their children and in many cases

paid for the initial travel. In some cases children sent away were unwanted, especially in second marriages, if the new wife did not want to raise children from the first marriage.

Laws against the removal of minors, sexual exploitation, abuse, and kidnapping of minors could be used to prosecute traffickers. Kidnapping provides for a penalty of between two and 10 years in prison, and rape carries a penalty of between one and five years' imprisonment. Despite these laws, the government seldom investigated trafficking cases, and there have been no successful prosecutions of traffickers. Instead authorities prosecuted parents who colluded with traffickers. Parents of returned victims had to sign a contract promising not to send their children away under penalty of jail, and the local NGO Association of the Friends of Children (AMIC) monitored the agreement through visits to returned children. In one case during the year, after AMIC found that three returned children were missing during the verification process, one father was arrested and spent 72 hours in jail. He was released when he agreed to find his child in Dakar and bring him home. The other two fathers were not located.

The Ministry of Interior has responsibility for antitrafficking efforts; however, the government had no national plan to combat trafficking or the capability to monitor, interdict, or prosecute traffickers. During the year the government actively assisted in the repatriation of dozens of children from Senegal.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate such trafficking; however, no specific information was available.

Government officials, including police and border guards, worked closely with AMIC and the UN Children's Fund to prevent trafficking, raise awareness, and repatriate victims. The regional court began to play an instrumental role during the year in alerting parents that they would be held legally accountable if they sent their children to beg in a foreign country. AMIC coordinated efforts with the government, police, and civil society to prevent trafficking, help returned victims find their families, and hold parents accountable in court if their children were re trafficked after participating in the reintegration program. AMIC, which also ran a facility for victims, conducted regular awareness efforts on radio stations in the Gabu area and during visits to villages in source areas. AMIC and local police worked with religious and community leaders in Gabu and Bafata. Another program, founded by the local imam of Gabu, created evening Koranic studies after school as an alternative to the schools in Senegal.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, mandate building access for them, or provide for equal access to employment and education. However, there were no reports of overt societal discrimination. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs.

Other Societal Abuses and Discrimination

There was no open discussion of homosexuality and very little concerning HIV/AIDS, and the government did not address discrimination on either basis. While there was no reported violence based on sexual orientation or HIV status, subtle discrimination based on sexual orientation or HIV status did exist.

Section 6 Worker Rights

a. The Right of Association

The law provides all workers with the freedom to form and join independent trade unions without previous authorization or excessive requirements, and workers exercised this right in practice. A significant majority of the population worked in subsistence agriculture, and only a small percentage of workers were in the wage sector and organized. Approximately 85 percent of union members were government or parastatal employees, and they primarily belonged to independent unions.

The law allows unions to conduct their activities without government interference and provides for the right to strike, but the government did not always protect these rights. The only legal restriction on strike activity was a prior notice requirement. The law also prohibits retaliation against strikers.

On October 7, the National Union of Workers of Guinea (UNTG) launched a nationwide civil service strike to protest salary arrears. Although the UNTG had provided prior notice and the strike was legal, police reportedly operating on orders of the interior minister surrounded the UNTG headquarters and prevented members from entering for several hours. Police reportedly also forced at gun point private bus drivers who joined the strike to return to work.

b. The Right to Organize and Bargain Collectively

The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Most wages were established in bilateral negotiations between workers and employers.

The law does not prohibit antiunion discrimination; however, no workers alleged antiunion discrimination, and the practice was not believed to be widespread.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred. Children were trafficked to work as domestic servants, to shine shoes in urban areas, and to sell food such as bananas and peanuts on the streets.

d. Prohibition of Child Labor and Minimum Age for Employment

There are no specific laws that protect children from exploitation in the workplace, and child labor occurred. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including labor in mines. The small formal sector generally adhered to these minimum age requirements; however, the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

Most child labor occurred in the informal sector. The incidence of children working in street trading in cities increased during the year. In rural communities, children did domestic and field work without pay to support families or because of a lack of educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest. The government had not taken action to combat such practices by year's end.

Children were trafficked to work as domestic servants, shine shoes in urban areas, and sell food on the street (see section 5, Trafficking).

The Institute of Women and Children and the ministries of labor and justice are responsible for protecting children

from labor exploitation; however, there was no effective enforcement.

e. Acceptable Conditions of Work

The Council of Ministers annually established minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately 19,030 CFA (\$38) per month plus a bag of rice. This wage did not provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The government, which relied heavily on support from international donors for basic budget support, regularly failed to pay some public servants, notably teachers, in a timely manner, often with delays of several months. The government was four months in arrears in salary payments by year's end, paying August salaries on December 5. Civil servants went on strike on October 7 to protest three months of salary arrears.

The law provides for a maximum 45-hour workweek, but the government did not enforce this provision. The law also provides for overtime pay as long as it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays; however, these provisions were not enforced.

With the cooperation of the unions, the ministries of justice and labor establish legal health and safety standards for workers, which the National Assembly then adopts into law; however, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs.

*In June 1998, the U.S. Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau, and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the U.S. Embassy in Dakar. The U.S. Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.