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Guinea-Bissau

Country Reports on Human Rights Practices - [2005](#)

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Guinea-Bissau is a multiparty republic with a population of approximately 1.3 million. On July 24, João Bernardo "Nino" Vieira was elected president, narrowly defeating Malam Bacai Sanha, the candidate of the ruling African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The presidential election, which international observers characterized as free and fair, represented another milestone in the country's return to constitutional government. Civilian authorities generally maintained effective control of the security forces; however, soldiers loyal to former president Kumba Yala briefly occupied the presidential residence on May 24 and attacked the Interior Ministry on July 16.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Poverty, pervasive underemployment, disease, and inadequate pay for public servants contributed to the country's human rights problems, which included:

- violent dispersal of demonstrations
- poor prison conditions
- official corruption and impunity
- violence and discrimination against women
- female genital mutilation (FGM)
- child labor, including some forced labor, and
- child trafficking

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, the government or its agents did not commit any politically motivated killings; however, on June 23, police shot and killed demonstrators (see section 2.b.).

On May 24, soldiers loyal to former president Yala occupied the presidential residence for several hours and demanded that Yala be reinstated as president. In a similar July 16 incident, approximately 20 soldiers believed to be loyal to Yala attacked the Interior Ministry, killed 2 security guards, and injured a third. No arrests were made, and the perpetrators had not been identified by year's end.

There were no developments in the October 2004 killing by military mutineers of former Defense Chief General Verissimo Correia Seabra and Colonel Domingos de Barros; the soldiers responsible for the killings had not been identified by year's end.

There were no developments in the 2003 case of Army Second Lieutenant Mussa Cassama, who died from injuries inflicted during torture.

Unlike in the previous year, there were no deaths from landmines or unexploded ordnance.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that government officials employed them. The government rarely punished members of the security forces who committed abuses.

On July 16, soldiers attacked the Interior Ministry, which resulted in deaths and injury (see section 1.a.).

The military mutineers who beat and abused senior officers in October 2004 had not been identified by year's end.

There were no developments in the 2004 reported road rage incident involving the former Deputy Chief of Defense.

Demining operations continued; however, unlike in the previous year, landmines and unexploded ordnance did not result in deaths or injury.

Prison and Detention Center Conditions

Prison conditions remained poor. There were no formal prisons, and the government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring cities. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were not held separately from convicted prisoners.

The government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year representatives from the Red Cross and the Office of the Representative of the UN Secretary General visited prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, police arbitrarily arrested and detained demonstrators (see section 2.b.).

Role of the Police and Security Apparatus

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies.

The country is divided into 37 police districts; there were an estimated 600 police in the country. Impunity and corruption were rampant, and police generally were ineffective. Transit police were particularly corrupt and demanded bribes from vehicle drivers whether their documents were in order or not. Police were poorly and irregularly paid, and there was a severe lack of resources and training. The attorney general was responsible for investigating police abuses, but no investigations occurred during the year.

Arrest and Detention

The law requires arrest warrants and provides for the right to counsel, and, if indigent, to one provided by the state; the right to release if no timely indictment is brought; and the right to a speedy trial. However, authorities did not respect these rights in practice. There was a functioning bail system.

Unlike in the previous year, no human rights activists were detained during the year.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the judiciary continued its 2004 efforts to establish its independence; however, judges were poorly trained and paid and sometimes were subject to corruption.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The president has the authority to grant pardons and reduce sentences.

Trial Procedures

The law provides for the right to a fair trial, and the judiciary generally enforced this right. There is no trial by jury, but the law provides for a presumption of innocence and the right to timely access to an attorney, to question witnesses, to have access to evidence held by the government, and to appeal. Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

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. The police often resolved disputes.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Unlike in the previous year, there were no reports that security forces arrested persons for exercising their right of free speech.

In addition to the government-owned newspaper *No Pintcha*, several private newspapers published without restriction. All newspapers published sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press often lacked raw materials.

There were several independent radio stations and a national television stations.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government did not always respect this right in practice. Permits were required for all assemblies and demonstrations.

On June 23, police intercepted approximately 200 Social Renovation Party (PRS) youth demonstrators and fired into the crowd; the demonstrators were walking to the National Elections Commission to demand the results of the presidential election. Three protesters were killed, and a fourth subsequently died of injuries inflicted by the police. Eleven demonstrators, including PRS Secretary-General Artur Sanha, were arrested and detained until June 26. No action was taken against the police, who claimed that the government had not authorized the demonstration.

Freedom of Association

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

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. However, in March the government prohibited activity by the Ahmadiya, an Islamic religious group. Although the government must license religious groups, there were no reports that any applications were refused.

Societal Abuses and Discrimination

During the year, feuding leaders of the country's mainstream Muslim community and converts to the Ahmadiyya sect used local radio to incite their followers. On February 16, a Muslim leader broadcast a call to his followers to meet at the courthouse in Gabu, which hundreds did. The crowd subsequently beat and detained four Ahmadiyya believers and attacked local police who were trying to control the situation. No action was taken against the perpetrators by year's end.

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

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

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 or its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum during the year. The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that the government was tolerant of refugees

and permitted them to engage in economic activities to support themselves. There were approximately seven to eight thousand refugees from Casamance region of Senegal living within the country.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through free and fair elections held on the basis of universal suffrage.

Elections and Political Participation

On July 24, Joao Bernardo Vieira, the country's former military ruler, defeated ruling PAIGC candidate Malam Bacai Sanha in a run-off presidential election. President Vieira replaced Henrique Pereira Rosa, who headed the previous civilian transition government. Bacai appealed the election results to the Supreme Court, which on August 19 upheld Vieira's victory. The election, which international observers declared free and fair, constituted a major step in the country's return to constitutional government that began with the 2003 removal of former president Kumba Yala, who had ruled by decree and undermined democratic institutions.

In March 2004 legislative elections were held for the 100-seat National Popular Assembly (ANP), which had been dissolved in 2002 by former president Yala. The PAIGC won with a plurality of 45 seats, and Carlos Domingos Gomes Junior was appointed Prime Minister. International observers deemed the elections free and fair.

There were 14 women in the 100-seat ANP. The supreme court chief justice, 2 of the country's 19 government ministers, and 1 of 9 state secretaries also were women.

All ethnic groups were represented in the government.

Government Corruption and Transparency

Official corruption and lack of transparency were endemic at all levels of government. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues.

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. The government did not arrest human rights activists during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of sex and race; however, the government did not enforce these provisions effectively.

Women

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There was no law that prohibited 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 had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits rape, but government enforcement was limited, in large part because of lack of resources.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM. The practice has increased as the Muslim population has grown and was performed not only on adolescent girls, but also on babies as young as four months old. The government has not outlawed the practice; however, a national committee and international and domestic nongovernmental organizations (NGOs) continued to conduct a nationwide education campaign to discourage FGM.

Sinim Mira Nassique, a local NGO, runs alternative FGM summer camps for young girls throughout the country. During the summer girls attended camps in Farim, Buba, and Gabu, where they experienced all traditional initiation rights except excision. The camps, which taught the dangers of FGM, also provided training in hygiene, sewing, embroidery, and other skills.

The law prohibits prostitution, but enforcement was weak.

There was 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 law 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 own or manage land or inherit property.

Children

The government allocated limited resources for children's welfare and education. Public schooling was universal, compulsory until seven years of age, and free through the fourth grade. A 2003 UN Development Program study indicated that 60 percent of school-age children did not attend school, in large part because schools were closed for most or all of 2003 as a result of the government's failure to pay teachers' salaries.

FGM was performed commonly on young girls and sometimes even infants (see section 5, Women).

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. 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.

Child trafficking occurred (see section 5, Trafficking).

Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports that children were trafficked from or within the country. The government has not prosecuted any cases against traffickers. 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.

Some boys sent from rural areas to attend Koranic schools in Senegal reportedly were exploited and forced to beg to earn money for the school leadership. The practice of buying and selling child brides also reportedly occurred on occasion.

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.

Neither the government nor NGOs assisted trafficking victims.

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 has made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address veterans' health, housing, and food needs.

Section 6 Worker Rights

a. The Right of Association

The law provides all civilian workers with the freedom to form and join independent trade unions, and workers exercised this right in practice. The vast majority of the population worked in subsistence agriculture; only a small percentage of workers were in the wage sector and organized. Most union members were government or parastatal employees.

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

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. There are no export processing zones.

The law provides for the right to strike and protection for workers from retribution for strike activities, and workers exercised this right during the year. The only legal restriction on strike activity was a prior notice requirement.

During the previous year, soldiers returning from a peacekeeping mission in Liberia mutinied to protest salary arrears and poor living conditions; two officers were killed, and several were injured. No action was taken against the responsible soldiers. During the year the

government addressed the soldiers' concerns by paying wage and allowance arrears and by appointing a defense chief acceptable to the mutineers.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

There were no specific laws that protected 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 all 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.

Children in cities often worked in street trading, and those in rural communities did domestic and field work without pay; children generally performed such labor to support families or because of a lack of educational opportunities. The government had not taken action to combat such practices by year's end.

e. Acceptable Conditions of Work

The government's Council of Ministers annually establishes minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately \$35 (19,030 CFA) 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.

In 2004 the government resumed paying the salaries of its teachers, civil servants, and medical practitioners after years of arrearages; however, the government again failed to regularly pay its public servants during the year.

The law provides for a maximum 45-hour workweek, but the government did not enforce this provision. The law also provides for overtime pay, provided that it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays.

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

*In June 1998, the United States 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.

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