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## 2009 Human Rights Report: Guinea-Bissau

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Guinea-Bissau is a multiparty republic with a population of approximately 1.7 million. On July 26, Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC) was elected president in elections that international observers declared free and fair; Carlos Gomes, Jr., was appointed prime minister on January 2 by former president João Bernardo Vieira. The presidential election followed the March 2 assassination of former president Vieira by the military as revenge for the bombing death a few hours earlier of former armed forces chief of staff General Jose Batista Tagme Na Waie. Speaker of Parliament Raimundo Pereira served as interim president between the assassination and Sanha's election. During the year members of the military were responsible for assassinating the president, the former armed forces chief of staff, a member of parliament, and a presidential candidate, providing further evidence that civilian authorities did not maintain effective control of the security forces.

Human rights abuses included the following: arbitrary and politically motivated killings; beatings and torture; poor conditions of detention; arbitrary arrest and detention; lack of judicial independence and due process; interference with privacy; journalist intimidation; widespread official corruption, exacerbated by suspected government involvement in drug trafficking, and impunity; violence and discrimination against women; female genital mutilation (FGM); child trafficking; 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

The government or its agents committed arbitrary or unlawful killings, including killings that were politically motivated.

On March 1, the armed forces chief of staff, General Jose Batista Tagme Na Waie, was killed when a bomb detonated under the stairway leading to his office in military headquarters. On March 2, hours after the assassination of Na Waie, soldiers under the command of Colonel Antonio Indjai tortured and then hacked to death with machetes President Vieira in what was generally considered retaliation for the killing of Na Waie. Navy commander Jose Zamora Induta initially said the president was shot after admitting that he ordered the killing of Na Waie, although Induta subsequently denied any connection between the killings. Observers noted that the longstanding tension between Vieira and Na Waie had increased due to Na Waie's November 2008 accusation that Vieira was involved in the drug trade. It was unclear whether

the killings were linked to the growing cocaine trade out of West Africa, but Vieira and senior military officers had been accused of profiting from it.

The government convened a national commission of inquiry that launched its investigation of the Vieira and Na Waie killings on March 11, but no one was identified or charged for Vieira's or Na Waie's killings by year's end.

On June 5, military personnel beat, shot, and killed National Assembly deputy Helder Proenca, his bodyguard, and his driver on the outskirts of Bissau. Proenca, who had been accused on June 5 by Colonel Samba Djalo, chief of the Military Information and Security Service, of plotting to overthrow the government, reportedly was killed while resisting arrest. On November 20, the state attorney general filed a criminal complaint against Djalo; however, no perpetrators were formally identified or punished for Proenca's death by year's end.

Also on June 5, soldiers shot and killed presidential candidate and national assemblyman Baciro Dabo in his bed. The soldiers accused Dabo of being involved with Proenca in plotting to overthrow the government. No perpetrators were identified or punished for Dabo's death by year's end.

There were no developments in the April 2008 killing of a judicial police officer by security forces.

During the year Alexandre Tchama Yala, the suspected leader of a November 2008 coup attempt in which two presidential guards were killed, escaped detention, and was rumored to be at large in Bissau at year's end.

There were no developments in the case of the 2007 execution-style killing of former commodore Lamine Sanha.

Unexploded ordnance resulted in four deaths and 10 injuries during the year.

#### 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, armed forces and security forces did not always respect this prohibition. The government did not punish members of the security forces who committed such abuses.

On March 2, military personnel reportedly tortured former president Vieira before killing him in his home (see section 1.a.).

On March 23, military members forcibly removed lawyer Pedro Infanda from his office in Bissau to a military installation, where he reportedly was beaten and tortured for four days, denied medical treatment, and released. Infanda had stated in a March 23 press conference that the appointment of Jose Zamora Induta as armed forces chief of staff following Na Waie's death was not in accordance with the proper order of succession. No action was taken during the year against those responsible for the torture and abuse.

On April 1, soldiers beat former prime minister Francisco Fadul during his detention at armed forces headquarters. Faustino Imbali was arrested on June 5 and held without charge for two months after calling on the government to hold accountable security force members responsible for the military assassinations of then president Vieira and then armed forces chief of staff Na Waie, and for characterizing the assassinations as a de facto coup.

On October 14, journalist Mario de Oliveira was verbally abused and beaten during his detention following a *Donos da Bola* newspaper publication of an interview with the minister of the interior, Major Samba Djalo.

Prison and Detention Center Conditions

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There were no prisons or detention centers in which to incarcerate convicted criminals and suspects, 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 permitted some independent monitoring of detention conditions by local and international human rights groups. During the year representatives from the UN Peace– Building Support Office in Guinea-Bissau (UNOGBIS) visited prisoners. The government also permitted visits to detention locations by the Human Rights League of Guinea-Bissau (LGDH). The government required advance scheduling of visits 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 arbitrarily arrested persons and were involved in settling personal disputes, sometimes 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.

Police were ineffective, poorly and irregularly paid, and corrupt. Police could not afford fuel for the few vehicles they had, and there was a severe lack of training. Police in Gabu received more equipment during the year but had received no formal police training since 1996. However, judicial police received narcotics investigative training in Brazil, Cape Verde, and Portugal. Transit police were particularly corrupt and demanded bribes from vehicle drivers, whether their documents and vehicles were in order or not. Impunity was a problem. Corruption and a 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 of the attorney general were also poorly paid and susceptible to threats and coercion.

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, during the year members of the military assassinated the president, the armed forces chief of staff, a member of parliament, and a presidential candidate (see section 1.a.). After the assassination of Na Waie, members of the military usurped the chain of command and imposed naval captain Jose Zamora Induta as the interim armed forces chief of staff and Colonel Antonio Indjai as his deputy. Induta and Indjai were formally appointed by presidential decree on March 15.

Soldiers also released imprisoned soldiers who were suspects in the November 2008 coup attempt. Following the July 2008 grounding at Bissau airport of a plane suspected of transporting narcotics, members of the armed forces tampered with evidence and interfered with the investigation.

Military members also tortured and arbitrarily detained political opponents during the year.

#### Arrest Procedures and Treatment While in Detention

The law requires arrest warrants, although warrantless arrests often occurred. 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. In general, detainees were informed promptly of charges against them, but some military detentions involved no notification of charges. 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. 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.

On March 23, military members arbitrarily arrested Pedro Infanda, who was subsequently tortured (see section 1.c.).

On April 1, soldiers arbitrarily arrested and beat Francisco José Fadul, the former president and former chief justice of the Audit Court (see section 1.c.).

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.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the largely nonfunctional judicial branch had little independence. 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 2008 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 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 civilian cases, and the Supreme Military Court is the final court of appeal for military 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 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. For all citizens, 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 a majority of cases and despite the otherwise dysfunctional judiciary. 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

On June 5, military officials arrested State Information Services director General Antero Correira and held him without charge until his release on July 7. Correira reportedly had refused to sign a Ministry of Interior communiqué about the June 5 killing of Helder Proenca and Baciro Dabo in connection with a coup plot.

#### 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 court 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. However, police routinely ignored privacy rights and protections against unreasonable search and seizure.

#### 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. Security forces detained persons for exercising their right to free speech, particularly when they spoke out against military officials or arbitrary killings during the year. Journalists practiced self-censorship.

On April 1, soldiers entered the home of Francisco José Fadul, the former president and former chief justice of the Audit Court, and severely beat him and his wife with firearms before stealing many of their possessions. Fadul had held a press conference on March 30 in which he called on the government to hold the armed forces responsible for corruption and other criminal activities.

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.

On March 3, following the assassination of then president Vieira, the army shut down two private radio stations but reopened them later the same day.

Journalists reported receiving telephone threats and summons to government premises to explain their activities or statements, while others reported prolonged court proceedings that impeded their work.

On October 14, the minister of the interior, Major Samba Djalo, ordered the arrest of Mario de Oliveira, the director of the newspaper *Donos da Bola*, following the publication of a fabricated interview with Djalo (see section 1.c). After intervention by the Guinea-Bissau Human Rights League, Oliveira was released after six hours.

There were no developments in the 2007 case in which unknown persons broke into the home of Radio France Internationale reporter Allen Yere Embalo, stole his camera, video footage of a report on drug trafficking, and more than 600,000 CFA (\$1,200). Embalo returned to the country during the year.

There were no developments in the 2007 case against Reuters journalist Alberto Dabo, who was charged with defamation, abuse of freedom of the press, violating state secrets, and slander due to his statement that former navy chief Jose Americo "Bubo" Na Tchuto was involved in drug trafficking.

#### 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; and the government generally respected this right in practice. Permits were required for all assemblies and demonstrations.

##### 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 known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2009 International Religious Freedom Report at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

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

##### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol and is also a party to the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. 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 peacefully change their government; however, this did not occur during the year due to the military assassination of the president, the killing of one presidential candidate, and the arbitrary arrest and torture of another (see sections 1.a and 1.c).

#### Elections and Political Participation

The constitution provides that an election be scheduled within 60 days of the death of a president; however, interim president Raimundo Pereira postponed the first round of the presidential election until June 28, citing lack of resources. On June 28, PAIGC candidate Malam Bacai Sanha received 39 percent of the vote, and Party of Social Renewal candidate Koumba Yala received 29 percent, which led in a second round election on July 26. On that day Sanha won with 63 percent of votes cast. Despite the violent context in which both rounds were conducted, international observers characterized the polls as free and fair.

During the year the ruling PAIGC party attempted to restrict opposition political activity. Formal membership in the dominant party conferred some informal advantages. The political opposition was subjected to political violence due to military intimidation, torture, and killing of politicians, and candidates were not totally free to campaign as they preferred. Pedro Infanda withdrew from the presidential race because he feared for his own life following the killing of candidate Baciro Dabo. The Balanta ethnic group, mainly through its dominance of the armed forces, dominated the political system.

In August 2008 former navy chief Na Tchuto fled the country following an alleged failed coup attempt. He returned to the country on December 28, sought refuge in the local UN office, and began negotiations with the government regarding the possibility of going on trial for his alleged involvement in the coup attempt. Na Tchuto remained in the UN office at year's end.

The 98-member National Assembly has 10 female members. The Supreme Court president, three of the 19 government ministers, and one of nine state secretaries are also women.

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

### Section 4 Official Government Corruption and Government Transparency

The law provides criminal penalties for official corruption from one month to 10 years in prison; however, the government did not implement the law, and officials frequently engaged in corrupt practices with impunity.

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 largely nonfunctional and corrupt judiciary was unable and unwilling to enforce the law and investigate corruption cases. Attempts by the attorney general to investigate corruption were impeded by the armed forces. The World Bank's Worldwide Governance Indicators reflect that corruption was a severe problem.

During the year several members of the administrative and financially autonomous FISCAP agency in the Ministry of Fisheries were arrested for embezzlement. However, at year's end no one had been formally charged nor was anyone in custody in connection with this case.

According to a September 2008 UN report on the country and the activities of the UN Peace-Building Support Office, the country was rapidly moving from being a transit hub to a major market place in the drug trade. A 2008 UN Office on Drugs and Crime (UNODC) report stated that the country was becoming a strategic link in the transport of illegal narcotics from South America to Europe, although the UNODC reported that the volume of drugs transiting through the country decreased during the year. The failure to interdict suspected narcotics flights contributed to the perception of government and military involvement in narcotics trafficking.

Systemic failure to act throughout the police, military, and judiciary resulted in the absence of prosecutions of drug traffickers. 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. Judicial officials who displayed independence, resisted corruption, or attempted to investigate or prosecute narcotics traffickers were threatened.

During the year attorney general Luis Manuel Cabral launched an investigation into the military's protection of the crew and seizure of the cargo of an unauthorized airplane impounded at Bissau airport in July 2008. At year's end no military or government official had been charged with any crime relating to this matter. However, on June 4, Cabral sought refuge in the Angolan embassy after receiving threatening telephone calls related to the independent investigation into the March assassinations of the president and armed forces chief of staff.

Public officials are legally required to disclose their personal finances before the Court of Audits, but the court's authority was weak.

The National Assembly has an anticorruption committee, which was inactive during the year.

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

#### Section 5 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 two major human rights organizations were the LGDH and the Observation League.

There were reports that NGO workers were harassed during the year.

For example, on April 1, LGDH president Luis Vas Martins reported that an armed man came to his office and threatened to kill him due to an LGDH statement condemning the beating of Francisco Jose Fadul (see section 1.c.). In 2007 Martins reported receiving threatening telephone calls that he believed were linked to his human rights activities. There were no developments in this case by year's end.

Prior to his assassination on March 1, then army chief of staff Tagme Na Waie withdrew the arrest warrant against Mario Sa Gomes, president of the NGO Guinean Association of Solidarity with the Victims of Judicial Error. Sa Gomes had gone

into self-imposed exile in 2007 after calling for Na Waie's dismissal for alleged involvement in drug trafficking. The case against Sa Gomes officially ended with the March death of Na Waie, and Sa Gomes remained abroad by choice.

The government permitted visits by UN representatives, including UNOGBIS personnel. The International Committee of the Red Cross visited several times. In October the UN issued the *Report of the Secretary-General on Developments in Guinea-Bissau and on the Activities of the United Nations*, which was critical of the country's human rights record. There was no government response to the report by year's end.

#### Section 6 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 reportedly were 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.

There are no laws against prostitution and it was a problem.

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

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There is access to birth control and limited access to HIV testing.

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 employment, pay for similar work, and owning a business.

##### Children

Citizenship is derived by birth within the country and by parental relation. Child registration does not occur automatically at hospitals. Parents must register their child's birth with a notary. The government conducts yearly campaigns to register children in the countryside. Lack of registration results in the denial of education since school registration requires a birth certificate. Lack of registration does not result in the denial of health services.

Public schooling was free and universal through high school, but compulsory only through the sixth grade. Teachers were poorly trained and paid, sometimes not receiving salaries for months, 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. In general there was no difference in the treatment and attendance of boys and girls, but Islamic schools banned girls from school.

Violence against children existed but was seldom reported to the authorities.

There is no law prohibiting FGM, and certain ethnic groups, especially the Fulas and the Mandinkas, practiced it, not only on adolescent girls but also on babies as young as four months. There was no government effort to combat FGM during the year. In September FGM was performed on a three-week-old baby in Bissau, who subsequently died from a hemorrhage.

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 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.

There are no explicit penalties for child prostitution, but there is a statutory rape law against having sex with someone less than 16 years old. The rape law carries a penalty of two to six years in prison. There is no law against child pornography.

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

There are no laws that prohibit trafficking in persons, and children were trafficked from, through, 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. Other boys were sent to work in cotton fields in the south of Senegal. Children were trafficked to work as domestic servants, shine shoes, or sell food on the street in urban areas. Girls were sometimes exploited as prostitutes.

According to the local NGO Association of the Friends of Children (AMIC), there was a general reduction in the number of talibes sent abroad during the year.

On April 8, AMIC organized the repatriation of 13 children from Senegal. On June 26, AMIC organized another repatriation of 20 children from Senegal. During the year 20 children returned from Senegal on their own accord. During the year six traffickers were captured in Pirada near the Senegalese border; they had not been tried at year's end.

Traffickers often were teachers in Koranic schools and were 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 can 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 were 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

during the year AMIC monitored the agreement through visits to the households of repatriated trafficked children and held antitrafficking education programs.

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.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate 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. During the year the government actively assisted in the repatriation of dozens of children from Senegal. The regional court played 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 also ran a facility for victims and conducted regular awareness programs 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, held 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](http://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. There were no government efforts to mitigate discrimination against persons with disabilities or ensure their access to buildings or streets. 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.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There was no freedom of sexual orientation. Gay men and lesbians were afraid to be open in their behavior. There are no laws that criminalize sexual orientation, and there were no violent incidents or human rights abuses targeting individuals based on their sexual orientation or identity. There was no official or societal discrimination based on sexual orientation or gender identity in employment, housing, or access to education and health care.

#### Other Societal Abuses and Discrimination

There was open discussion of HIV/AIDS and no societal violence or discrimination against persons with HIV/AIDS.

#### Section 7 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 who 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.

Unlike 2008, there were no reports that security forces forcibly dispersed legal strike participants.

#### 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.

#### 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; minors are also prohibited from working overtime. 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 informal work settings.

Most child labor occurred in the informal sector. The incidence of children working in street trading in cities increased during the year. Types of forced child labor included domestic servitude, shoe shining, and selling food in urban streets. Children in rural communities performed domestic and fieldwork 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.

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. The government took little action to prevent child labor during the year. AMIC, in collaboration with the NGO International Cooperation and Development, succeeded in rescuing approximately 1,000 child workers. The NGO Network of Youth was also involved in removing child workers.

#### e. Acceptable Conditions of Work

The 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 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 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; however, many employees were forced to work longer hours. 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 from U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and from 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.