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2010 Human Rights Report: Guinea-Bissau

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Guinea-Bissau* is a multiparty republic with a population of approximately 1.7 million. In July 2009 Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC) was elected president in elections following the assassination of former president Joao Bernardo Vieira by the military. International observers declared the holding of the 2009 presidential elections to be free and fair despite election-related violence preceding the polls. As in the previous year, there were multiple instances in which elements of the security forces acted independently of civilian control.

Human rights abuses included beatings and torture; poor conditions of detention; arbitrary arrest and detention; lack of judicial independence and due process; interference with privacy; intimidation of journalists; widespread official corruption, exacerbated by government officials' impunity and suspected involvement in drug trafficking; 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

Unlike the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings, including killings that were politically motivated.

There were no developments in the cases of the 2009 killings of former president Vieira and former armed forces chief of staff General Jose Batista Tagme Na Waie. In March 2009, Na Waie was killed by a bomb outside his office in military headquarters. Following Na Waie's assassination, soldiers under the command of Colonel Antonio Indjai tortured and then hacked Vieira to death with machetes in what was widely considered retaliation for the killing of Na Waie. Observers noted that the longstanding tension between Vieira and Na Waie had increased due to Na Waie's 2008 accusation that Vieira was involved in the drug trade. It was unclear whether the killings were linked to the growing cocaine trade through West

Africa, but Vieira and senior military officers had been accused of profiting from it. The national commission of inquiry, established in 2009 to investigate the killings, did not identify or charge anyone during the year.

There were no developments in the case of former national assembly deputy Helder Proenca, whom military personnel beat, shot, and killed, along with his bodyguard and driver, in June 2009 on the outskirts of Bissau. Proenca, who had been accused of plotting to overthrow the government on June 5 by Colonel Samba Djalo, chief of the Military Information and Security Service, reportedly was killed while resisting arrest. In November 2009 the state attorney general filed a criminal complaint against Djalo; however, the case remained pending at year's end.

No perpetrators had been identified or punished by year's end for the June 2009 death of former presidential candidate and assemblyman Baciro Dabo. Soldiers shot and killed Dabo after accusing him of plotting with Proenca to overthrow the government.

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

During the year Alexandre Tchama Yala, the suspected leader of a 2008 coup attempt in which two presidential guards were killed, remained at large following his 2009 escape from detention.

Unlike in 2009, there were no reported injuries or deaths as a result of unexploded ordinance 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 police did not always respect this prohibition. The government did not punish members of the security forces who committed such abuses.

During his brief detention on April 1 (see section 1.d.), Prime Minister Carlos Gomes was robbed, beaten, and reportedly pistol-whipped by soldiers loyal to then deputy armed forces chief of staff Antonio Indjai. Gomes was released after several hours.

In July a civilian named Fernando Te was reportedly tortured to death while in custody at the 5th Esquadra police station. At year's end, an investigation was ongoing with no individuals identified or charged with his death.

During the year no military personnel were identified or charged for the reported torture of former president Vieira before his death (see section 1.a.).

No action was taken during the year against those responsible for the torture and abuse of lawyer Pedro Infanda, whom military personnel reportedly beat and tortured for four days and then denied medical treatment prior to his release. Infanda had stated in a March 2009 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 soldiers who beat former prime minister Francisco Jose Fadul during his June 2009 detention at armed forces headquarters.

There were no developments in the case of journalist Mario de Oliveira, who was verbally abused and beaten in October 2009 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

In December the Ministry of Justice, with the assistance of the UN Office on Drugs and Crime, completed construction of the country's first secure prison facilities in the towns of Bafata and Mansoa. The prisons have a total capacity for 90 prisoners, including cells for up to six women in Mansoa and eight in Bafata. The prisons have electricity and potable water. No inmates were transferred to the new prisons by the end of the year due to a lack of equipment.

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The government continued to detain most prisoners in makeshift detention facilities at the Judicial Police headquarters, on military bases, in Bissau, and neighboring towns. Conditions of confinement were poor. Detention facilities generally lacked secure cells, 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 Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) and the International Committee of the Red Cross (ICRC) conducted visits. 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 repeat visits.

Following his April 1 detention (see section 1.d.), former armed forces chief of staff Jose Zamora Induta was reportedly in poor health and was denied access to medical treatment at the military barracks in Mansoa. Induta was allowed to receive visitors, including diplomatic representatives and UNOGBIS and ICRC representatives, but not without third parties present.

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 personnel 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, and the Maritime Police.

Police were generally ineffective, poorly and irregularly paid, and corrupt. They could not afford fuel for the few vehicles they had, and there was a severe lack of training.

During the year the Director General of the Judicial Police received formal police training in Ghana facilitated by the Economic Community of West African States. Also, in preparation for the opening of the new prisons in Mansoa and Bafata, a group of 78 prison guards and five directors completed a ten-week basic training course led by the Portuguese Ministry of Justice and UNODC. The training included instruction in prison management and contained a human rights module.

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 police 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, corruption 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.

During a military mutiny on April 1, the former navy chief of staff, Jose Americo Bubo Na Tchuto and soldiers loyal to then deputy armed forces chief Antonio Indjai beat, robbed, and detained Prime Minister Carlos Gomes, armed forces chief of staff Jose Zamora Induta, and other military personnel. Gomes was released several hours later and departed the country on April 23 to receive medical treatment abroad. He returned in June. Induta remained in detention without charge until December 23.

During the mutiny, soldiers also released several officials being held on charges of embezzling government funds; however, the officials were suspended from their jobs, and charges against them were pending at year's end.

On July 6, a group of soldiers assaulted several police officers, including at least two women, near the parliament building. According to media reports, the incident occurred following a dispute between a relative of recently appointed armed forces chief of staff Indjai and a traffic police officer. No soldiers were charged or punished for the assault by year's end.

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.

At times authorities arrested criminal suspects, particularly immigrants, without warrants.

No actions were taken against military personnel who illegally arrested and beat Pedro Infanda in March 2009 (see section 1.c.).

No actions were taken against soldiers who illegally arrested and beat Francisco Jose Fadul, the former president prime minister 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 trials; however, few detainees remained in custody for longer than one year. Most left detention 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 a 2008 report published by the International Federation for Human Rights. The attorney general had little protection from political pressure since the president can

independently replace the incumbent. Trials were often delayed by lack of materials or infrastructure, and convictions were extremely rare.

In addition to the civil judicial structure, there is a military court. The Supreme Military Court is the final court of appeal for military cases. In theory, military courts do not try civilians; however, civilian courts try all cases involving state security, even if the accused are members of the military.

Traditional systems of justice 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

There were no other reports of political prisoners or detainees during the year.

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 partially respected these prohibitions in practice. 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. During the year security forces detained persons for exercising their right to free speech, particularly when they spoke out against military officials or arbitrary killings. Journalists practiced self-censorship.

On May 14, the private daily newspaper *Diary Bissau* published an editorial entitled "Guinea-Bissau is a Narco-state" with photographs of former armed forces chief of staff Na Waie, former president Vieira, former deputy assembly leader Proenca, and former presidential candidate Dabo captioned "victims of drug trafficking in Guinea-Bissau." Unknown assailants subsequently beat Joao de Barros, the director of the paper and former minister of media affairs under Vieira. In addition the paper's headquarters was ransacked and all publishing equipment destroyed. One man, Armando Correia Dias, was briefly detained but later released without charge. The investigation remained open at the end of the year.

There were no developments in the case of Francisco Jose Fadul, former prime minister and chief justice of the Audit Court. Soldiers beat and stole possessions from Fadul following a March 2009 press conference 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.

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.

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 usually respected this right in practice. Permits were required for all assemblies and demonstrations.

Following the April 1 military mutiny, numerous citizens protested in Bissau against the detention of Prime Minister Gomes and Armed Forces Chief of Staff Induta in the streets of Bissau. Deputy Armed Forces Chief of Staff Antonio Indjai and former navy chief of staff Na Tchuto threatened to kill civilians and Gomes if the crowds did not disperse, but the threats were not carried out prior to Gomes' release.

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

For a complete description of religious freedom, please see the *2010 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 (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)

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's laws provide for the granting of asylum or refugee status 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.

There were no restrictions on refugees' ability to work provided they had a valid refugee card. Persons holding official refugee status were allowed access to public services, including education, health care, and land. The UNHCR opened an office in Bissau in February and facilitated the issuance of refugee cards. As in previous years, local communities in northern Guinea-Bissau lent land to long-term refugees from the Casamance region of southern Senegal, thus allowing the refugees to cultivate the land. Rather than utilizing local schools, most refugees sent children to nearby Senegalese schools in the Casamance, which were perceived as being higher quality.

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.

Elections and Political Participation

Following the March 2009 military assassination of President Vieira, interim president Raimundo Pereira postponed the first round of the presidential election until June 2009, citing lack of resources, although the constitution provides that an election be held within 60 days of a president's death. The PAIGC candidate, Malam Bacai Sanha, won the June 2009 first round with 39 percent of the vote, and the July 2009 second round with 63 percent.

International observers characterized the polling process as free and fair.

Formal membership in the dominant party conferred some informal advantages. The Balanta ethnic group, mainly through its predominance in the armed forces, controlled the political system.

During the year the ruling PAIGC party attempted to restrict opposition political activity. Unlike previous years, the political opposition was not subjected to overt violence such as torture or killings.

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

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

Section 4 Official Corruption and Government Transparency

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

Official corruption and lack of transparency were endemic at all levels of government. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Members of the military and civilian administration reportedly trafficked in drugs and assisted international drug cartels by providing access to the country and its transportation infrastructure. Customs officers frequently accepted bribes not to collect import duties, which greatly reduced government revenues. The largely nonfunctional and corrupt judiciary was unable and unwilling to enforce the law and investigate corruption cases. Unlike the previous year, there were no new investigations of corruption by the attorney general.

During the year the government imprisoned and charged officials with collecting salary payments of former and deceased government employees, but soldiers released the officials during the April 1 mutiny. The officials remained free at the end of the year, although the charges against them were pending in court.

On June 25, deputy armed forces chief of staff Antonio Indjai was promoted to armed forces chief of staff, despite having led the April 1 mutiny in which Prime Minister Gomes and former armed forces chief of staff Induta were illegally detained (see Section 1.d.).

On October 15, former treasury secretary Maria Paula Costa was found guilty of fraud and negligence. He was sentenced to three years in prison and fined 3.5 million CFA (\$7,000). The charges stemmed from a 2006 case in which forged signatures were used to steal 75 million CFA (\$150,000) from the treasury.

According to media reports, the head of the country's football federation remained free at year's end despite receiving a three-year prison sentence in 2009 for stealing millions of CFA from the federation that had been intended to build the organization's local headquarters.

Unlike the previous year, no officials were arrested or charged for embezzlement.

According to a 2008 UN report on the country and the activities of the UN Peacebuilding Support Office, the country was rapidly moving from being a transit hub to a major market place in the drug trade. According to the UNODC, the volume of drugs transiting the country increased during the year. The failure to interdict or investigate suspected narcotics traffickers 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. The Judicial Police had no resources to conduct investigations, limited ability to detain suspects, and no means of transporting detainees to court. Judges and guards 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.

On October 8, former navy chief of staff Na Tchuto was reappointed to his old position, despite being involved in the April 1 mutiny (see section 1.d.) and his known involvement in narcotics trafficking.

There were no developments in the 2008 case of the military's protection of the crew of an airplane impounded at Bissau airport and the off-loading of a suspected shipment of cocaine.

Public officials are legally required to disclose their personal finances before the Court of Audits, but the court's authority was weak. No public officials disclosed their personal finances during the year.

As in the previous year, the National Assembly's anticorruption committee was inactive.

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.

There were reports that NGO workers were harassed during the year. For example, in June the president of the Bissau Civil Society Movement reported receiving death threats following a press conference in which the organization noted problems between the president and prime minister and the "insubordination" of the military to civilian authorities and expressed uncertainty about the future of the government.

There were no developments in the case of Luis Vas Martins, president of the LGDH, who reported in April 2009 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.).

The government permitted visits by UN representatives, including UNOGBIS personnel and the ICRC.

There was no government response by year's end to the October 2009 *UN 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.

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. Based on anecdotal evidence, rape was not a frequent problem. The law only permits prosecution of rape when the victim has reported it, which observers noted was rare due to the cultural stigmatization of rape victims. This problem was exacerbated in the Muslim eastern regions of Gabu and Bafata, where a cultural practice known as "djokorenda" dictated that the issue be resolved at home within a family. There were no statistics available on the number of abusers who were prosecuted, convicted, or punished for rape.

Domestic violence, including wife beating, was an accepted means of settling domestic disputes and was reportedly widespread. 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 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. Women and men were equally diagnosed and treated for sexually transmitted

infections, including HIV. The UN Population Fund reported that 98 of 114 health centers offered family planning services and that approximately 10 percent of women used contraception. The Catholic Church and other religious groups discouraged condom use, which also was not widespread due to lack of education. According to the most recent data available from the UN Population Fund, 78 percent of women were attended to by a skilled health provider during pregnancy; however, only 39 percent of live births were attended by a skilled health worker. Estimates for the maternal mortality rate ranged from 800 to 1,100 per 100,000 live births.

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 like the majority of citizens, 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 from one's parents. 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 resulted in the denial of education, since school registration requires a birth certificate. Lack of registration did not result in the denial of health services.

Public schooling was free and universal through high school. In March the national assembly passed a law increasing compulsory attendance from the sixth grade to the ninth grade and lowering the enrollment age from seven years to six. The gap of enrollment rates between girls and boys was fairly small: 65.4 percent for girls and 69.3 percent for boys. Teachers were poorly trained and paid. Schools closed twice during the year due to strikes by teachers protesting nonpayment of salaries.

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 attending.

Violence against children was widespread, but was seldom reported to the authorities.

During the year an 85-year-old man in Gabu was charged with sexually abusing two of his granddaughters, aged 15 and 16, which resulted in their pregnancies. His trial had not begun by year's end.

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, but NGOs worked to limit the practice. In June there was one reported death of a baby girl in Bissau due to 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 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 a person 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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were no reports of anti-Semitism.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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. 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 are no laws that criminalize sexual orientation; however, social taboos against homosexuality restricted freedom of sexual orientation. There were no reported violent incidents or human rights abuses targeting individuals based on their sexual orientation or identity. There was no official discrimination based on sexual orientation or gender identity in employment or access to education and health care. However, the law only recognized heterosexual married couples as entitled to larger government housing.

Other Societal Violence 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.

Most of the population, 90 percent, worked in the agricultural sector. Other employment sectors included fisheries and extractive industries. 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 belonged primarily to independent unions. Further statistics pertaining to the country's workforce were unavailable.

The law allows unions to conduct their activities without government interference; trade union delegates are protected under union laws, while laborers' rights to free speech and assembly are protected by the constitution. However, only trade union delegates are protected against antiunion discrimination, with limited sanctions.

The law provides for the right to strike, but the government did not always protect this right. The only legal restriction on strike activity was a prior notice requirement. The law also prohibits retaliation against strikers.

Unlike the previous year, there were no reports that security personnel 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 employer antiunion discrimination against workers; however, no workers alleged antiunion discrimination during the year, 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. Boys were routinely sent abroad (often to Senegal) to receive religious education, but then often were forced by their marabouts (Koranic teachers) to beg in the streets and were subjected to harsh treatment. Some observers believed girls were also subjected to forced domestic labor within country or in Senegal.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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 for general factory labor and 18 for heavy or dangerous labor, including labor in mines. Minors are 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. As in previous years, 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 help support their 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. The local NGO Association of the Friends of Children (AMIC), in collaboration with the NGO International Cooperation and Development, succeeded in rescuing approximately 48 child workers. AMIC estimated that

approximately 50 children per month returned home of their own volition. The NGO Network of Youth was also involved in removing child workers.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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.

Unlike in the previous year, the government paid back wages and kept current on civil servant salaries.

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 overtime 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 1998 the U.S. Embassy suspended operations in the midst of heavy fighting during a civil war 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 by diplomatic personnel to Guinea-Bissau.

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