

GUINEA-BISSAU 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea-Bissau is a multiparty republic. It is ruled by a transition government led by interim President Manuel Serifo Nhamadjo until elections expected in 2013. On March 18, presidential elections were held to replace former president Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC), who died on January 9. A military coup on April 12 interrupted the electoral process before the second round. There were frequent instances in which elements of the security forces acted independently of civilian control.

Elements of the armed forces attacked the home of presidential candidate and former prime minister Carlos Gomes Junior on the evening of April 12. They took control of radio and television stations, seized PAIGC party headquarters, and detained then interim president Raimundo Pereira and Carlos Gomes Junior. Coup leaders claimed to be reacting to heightened Angolan military mission intervention in Guinea-Bissau but to have “no ambition for power.” The Economic Community of West African States brokered a transition pact signed on May 18 by most political parties but not the majority PAIGC. On October 21, an attempted countercoup resulted in several deaths but no shift of power.

Serious human rights abuses included arbitrary killings and detentions; official corruption, exacerbated by government officials’ impunity and suspected involvement in drug trafficking; and a lack of respect for the rights of citizens to elect their government.

Other human rights abuses included torture, poor conditions of detention, lack of judicial independence and due process, interference with privacy, restrictions on the freedoms of the press and assembly, violence and discrimination against women, trafficking of children, and child labor, including some forced labor.

The government did not take effective steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was a serious problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports of arbitrary killings potentially committed by government agents. On the evening of March 18, the day of the first round of presidential elections, Colonel Samba Djalo, former chief of the Military Information and Security Service, was shot and killed by persons in civilian clothes with “military-style” weapons.

On October 21, an attack on a military base near Bissau resulted in at least seven deaths --including one defender --and several arrests. The incident was characterized as an attempted counter coup, and the attackers were alleged to be associated with the deposed regime.

Attorney General Abdou Mane took some steps during the year to address impunity for past crimes. For example, in September he detained two Ministry of Interior officials in the assassination of Baciro Dabo, brother of former major Yaya Dabo, who was an officer in the Interior Ministry’s intelligence service. In 2009 security officials assassinated Baciro Dabo for his alleged involvement in a coup plot.

No progress was made by year’s end on several stalled cases of killings of political and military figures since 2009, including the cases of the killings of President Vieira and armed forces chief of staff General Jose Batista Tagme Na Waie. The national commission of inquiry established in 2009 to investigate the killings did not identify or charge anyone during the year; however, the attorney general issued a letter rogatory in October to the Government of Portugal asking to question deposed prime minister Carlos Gomes Junior in the cases.

At year’s end there were no developments reported in the investigation of the December 2011 death of Yaya Dabo, killed by officers of the Interior Ministry’s Rapid Intervention Police (PIR). PIR authorities claimed that Dabo was responsible for the killing of PIR officer Vladimir Cotta in December 2011.

b. Disappearance

In conjunction with the December 2011 killings of Vladimir Cotta and Yaya Dabo, PAIGC member of Parliament Roberto Cacheu disappeared and, after the release of other suspects in those events, was presumed dead. Members of the former government were allegedly responsible. Despite failed efforts to locate his remains, investigations into his disappearance continued at year’s end.

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

Although the constitution and law prohibit such practices, armed forces and police did not always respect these prohibitions. The government did not punish members of the security forces who committed such abuses.

In the aftermath of the October 21 counter coup, unknown assailants abducted and beat severely Iancuba Indjai and Sylvestre Alves, both prominent opposition politicians. The transitional government immediately denounced the attacks and investigations continued at year's end.

Prison and Detention Center Conditions

Prisons conditions varied widely. In the makeshift detention facilities for pretrial detainees, conditions were harsh and life-threatening. The two new prisons in Bafata and Mansoa, however, had electricity, potable water, adequate space, and guards trained in respecting human rights.

Physical Conditions: At the end of the year, there were 47 prisoners held in the prison at Bafata and 45 in Mansoa. Four of the prisoners were women. The prisons had a capacity of 90 prisoners, including cells for up to six women in Mansoa and eight in Bafata. No children were held at these facilities. Officials held men and women separately and did not hold juveniles with adults. There were no reports of deaths in the prisons or of guards or other prisoners brutalizing or raping inmates. At Mansoa and Bafata, prison administrators provided food to the prisoners. Food was not provided to prisoners held in pretrial detention in Bissau, who could receive food from their families. Eight percent of prisoners in Bafata and 6 percent of prisoners in Mansoa were pretrial detainees.

The government continued to utilize makeshift detention facilities at the Judicial Police headquarters and on military bases for short-term detention of up to 48 hours. 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. Officials held pretrial detainees with convicted prisoners and juveniles were held with adults.

Administration: Authorities did not maintain adequate records or investigate allegations of inhumane conditions. They lacked the resources to use alternatives to incarceration in the cases of nonviolent offenders. In many cases detainees were

informally released on their own recognizance or simply walked away from makeshift detention facilities. No formal ombudsman system exists and prison ombudsmen were not available to respond to prisoners' complaints.

Families could visit inmates at least twice a week, more often in cases of good behavior by the inmate. There were no restrictions on religious observances by prisoners and they were able to submit complaints to judicial authorities without censorship.

Monitoring: The government permitted independent monitoring of detention conditions by local and international human rights groups. According to the Justice Ministry's director of justice administration, the prisons in Mansoa and Bafata were regularly visited by the International Committee of the Red Cross (ICRC), Bissau-Guinean Human Rights League, the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS), National Commission for Human Rights, and Aida (a Spanish human rights organization).

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and the government usually observed these prohibitions; however, security forces arbitrarily arrested persons and were involved in personal disputes, sometimes detaining persons without due process.

During the April coup, former prime minister Gomes Junior and former interim president Pereira were taken into custody. According to the International Crisis Group (ICG), there were reports of arrests or attempted arrests of several major PAIGC figures at this time, including ministers, governors, and sector administrators. The junta initially claimed to have also arrested Military Chief of Staff General Indjai, who was later accused of responsibility for the coup.

Following intramilitary violence in December 2011, Admiral Jose Américo Bubo Na Tchuto and several of his supporters were detained at the army's Mansoa Barracks, 37 miles from the city of Bissau, for allegedly attempting a coup. No evidence of a coup was presented; hence, no charges were filed. Na Tchuto and his followers were released in June and were reportedly placed under house arrest. Afterwards Na Tchuto reportedly travelled to Senegal for medical treatment and appeared to enjoy freedom of movement within Guinea-Bissau.

Role of the Police and Security Apparatus

The country is divided into 37 police districts. There were estimated to be 3,500 police personnel in nine different police forces reporting to seven different ministries. The Judicial Police, under the Ministry of Justice, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crimes. Meanwhile 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, Border Service, PIR, and Maritime Police. According to the constitution, the armed forces are responsible for external security and can be called upon to assist the police in internal emergencies.

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. Transit police often demanded bribes from vehicle drivers whether their documents and vehicles were in order or not. Lack of police detention facilities frequently resulted in prisoners walking out of custody during investigations. The transition government took steps to increase the number of police vehicles and patrols on the streets in Bissau, which contributed to a drop in petty crimes in some of Bissau's least-developed neighborhoods.

Impunity was a problem. The attorney general was responsible for investigating police abuses; however, employees of that office were also poorly paid and susceptible to threats, corruption, and coercion. On August 24, the transition government appointed a new attorney general, Abdou Mane, who pledged to put an end to these practices. On December 5, representatives of the various police services issued a body of recommendations aimed at enhancing police effectiveness after participating in a seminar organized by the Judicial Police with UNIOGBIS support.

A military court system exists, with the Supreme Military Court as the final court of appeal for military cases. Although civilian courts could try cases involving state security personnel, even if the accused was a member of the military, civilian courts were reluctant to assert their jurisdiction over members of the military.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants, although warrantless arrests often occurred, particularly for immigrants suspected of crimes. The law requires that detainees be brought before a magistrate within 48 hours after arrest and be released if no

timely indictment is filed; however, authorities did not always respect these rights. In general detainees were informed promptly of charges against them, but in some military detentions, detainees were not notified. Although the law provides for the right to counsel at state expense for indigent clients, 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. Pretrial detainees had prompt access to family members.

Pretrial Detention: Eight percent of prisoners in Bafata and 6 percent of prisoners in Mansoa were pretrial detainees. While the vast majority of prisoners were detainees awaiting the conclusion of their trials, few detainees remained in custody 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, but the judiciary had little independence and was barely operational. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. Judges went on strike several times during the year to protest their pay and working conditions. Courts and judicial authorities were also frequently biased and nonproductive. The attorney general had little protection from political pressure. A lack of materials and infrastructure often delayed trials and convictions were extremely rare. Authorities respected court orders when they were issued.

Trial Procedures

The law provides for all citizens the right to presumption of innocence, to be informed promptly of the charges, to a fair trial, and to communicate with an attorney or choice or have one provided at court expense. It also provides for the right to access to evidence held by the government, to confront witnesses and present witnesses and evidence, to not be compelled to testify against oneself, and to appeal. There is no trial by jury. Trials in civilian courts are open to the public.

Trials were rarely held, but for those few defendants whose cases went to trial, these rights were respected in a majority of cases. 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

The ICRC brought medications, clothing, hygiene items, and messages from family to three detainees following the April coup for approximately two weeks until their release. The ICRC did the same for the 17 detainees suspected of launching the October counter coup. These detainees received the same treatment as other detainees.

Civil Judicial Procedures and Remedies

Individuals could attempt to seek civil remedies for human rights violations; however, there was no specific administrative mechanism to address human rights violations, and domestic court orders pertaining to human rights were not always enforced.

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

The constitution and law prohibit such actions, but the government did not always respect these prohibitions in practice. Police routinely ignored privacy rights and protections against unreasonable search and seizure.

In October former prime minister Carlos Gomes Junior filed a complaint with the Military Tribunal over invasion of his property during the April 12 coup, according to Radio Television Portugal. According to ICG, there were several instances of pillaging of homes and offices of senior supporters of Gomes Junior in the first few days following the coup.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, there were reports that the government did not always respect these rights. Following the April 12 coup, the junta temporarily shut down radio and television stations. Once the stations resumed broadcasts, there were reports of journalists receiving threats and practicing self-censorship.

Freedom of Speech: There are no official restrictions on the ability of individuals to criticize the government publicly or privately or discuss matters of general public interest without reprisal. In October Attorney General Mane released a press statement advising politicians to refrain from discussing the April 12 coup in public under threat of prosecution. Many interpreted his statement as limiting free speech, while others interpreted it as a reminder of the right to remain silent. Mane later clarified that he was attempting to remind the public that an investigation was underway and public claims and accusations could impede progress.

Freedom of Press: There were several private newspapers in addition to the government-owned newspaper *No Pintcha*, but all were published through the state-owned printing house.

On April 12, the junta shut down all private radio stations and the national television station. They allowed only the national broadcaster, Radio Nacional da Guine-Bissau, to broadcast intermittent military communiqués.

On April 15, the junta allowed the stations to reopen but warned them on April 16 not to criticize the military or the coup or report on protests. These threats continued until May 25 when the civilian government was installed.

Violence and Harassment: On April 13, Ali Silva, author of the *Ditadura do Consenso* blog, was accosted over his reporting on the April 12 coup. According to the ICG, soldiers molested Silva and robbed him of his equipment. Reporters Without Borders reported soldiers beat him and confiscated his equipment. According to diplomatic observers, the reports of the beating were likely exaggerated, and it was not until days after his release that Silva reported any property loss beyond his iPad missing from a parked vehicle.

On October 29, the Ministry of Communications sent a letter to Radio Television Portugal complaining of biased reporting by Portuguese journalist Fernando Teixeira Gomes and asking that he be replaced. Gomes had reported critically on the transition government and his station, Radiotelevisao Portuguesa, had broadcast extensive coverage of former prime minister Carlos Gomes Junior. The Committee to Protect Journalists condemned the government for allegedly ordering Gomes' expulsion, yet Gomes remained working in Bissau at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 2.7 percent of the population used the Internet in 2011. 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, but both the deposed government and the transitional government did not always respect this right in practice. Permits are required for all assemblies and demonstrations and the conditions are generally reasonable. Security forces intervened in unlicensed demonstrations, typically dispersing the protesters after they assembled.

On February 18, elements of the Interior Ministry's Rapid Intervention Police (PIR) sprayed tear gas on demonstrators against the candidacy of Gomes Junior. Elements of the military then attacked and beat the PIR personnel involved in the conflict.

On April 17, the junta threatened to impose "severe repression" against any demonstration or march. The junta lifted the ban on April 25, but there was some continued repression of anticoup protests, according to the ICG.

UNIOGBIS condemned the use of force by security and defense force personnel against protesters in front of its office on May 25. Diplomatic observers reported that one protester claimed to have been assaulted.

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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. After the coup the military temporarily closed the country's air and sea space. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: On April 17, the military command issued a travel ban on 58 members of the deposed administration. On June 4, the transition government announced that it had lifted the ban.

The UN Security Council (UNSC) imposed a travel ban against five military officers for their alleged involvement in the coup on May 18. On July 20, the UNSC added six more individuals to the travel ban.

Internally Displaced Persons (IDPs)

Bissau-Guinean IDPs and Senegalese refugees moved within the border region and 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 these IDPs and refugees was not always clear.

Protection of Refugees

As of October the UNHCR reported that the country hosted more than 7,800 refugees and asylum seekers, of whom more than 7,600 were refugees from the Casamance Region. The government took no actions to hinder or help refugees seeking the assistance of family members residing in the country.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, although it was not active. The government did not grant refugee status or asylum

during the year, and there were no known reports that asylum or refugee status was requested during the year. The UNHCR office in Bissau facilitated the issuance of refugee cards. For those with valid refugee cards, there were no restrictions on work or on access to public services, including education, health care, and land.

Safe Country of Origin: In June 2011 the government announced that refugees living in Guinea-Bissau longer than 20 years would be offered citizenship, and that those who declined would lose their refugee status if they could not demonstrate that they faced oppression in their home country or that their country was in a state of war. No action was taken by the end of the year.

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

The constitution and law provide citizens with the right to change their government peacefully, but citizens' ability to exercise this right was often impeded by military intervention – as with the April 12 coup – and by corruption and bribery within political parties.

Elections and Political Participation

Recent Elections: Following the January death of President Sanha, interim president Raimundo Pereira scheduled the first round of the presidential election, which was held on March 18. Preparations were rushed and the electoral register was not fully updated, yet international observers characterized the polling process as generally free and fair. The evening of the first voting round, Colonel Samba Djalo was killed (see section 1.a.). National Election Commission President Lima da Costa announced the next morning that the electoral process would continue with military support but that the results would take at least until March 24 or 25 to calculate. Candidates Kumba Yala and interim President Nhamadjo announced later that they had proof of fraud in the voter register and voter cards. Yala and PAIGC candidate Carlos Gomes Junior were declared the winners of the first round and a run-off was scheduled for April 22, later postponed until April 29, but Yala and four other candidates announced that they would boycott.

The transition government presented a plan to political parties on July 21 for preparing and holding legislative and presidential elections by the end of the transition period. Preparations were in progress despite a lack of commitments for funding.

Political Parties: Until the coup formal membership in the dominant party conferred political advantages. The Balanta ethnic group, mainly through its predominance in the armed forces, maintained some influence in the political system.

Youth political participation was restricted in the presidential elections because the voter list was not updated to include those who had come of voting age since 2008.

Participation of Women and Minorities: The 98-member National Assembly had 10 female members. The Supreme Court president, two of nine state secretaries, and approximately 10 percent of senior advisors also were women. On March 9, the Women's Political Platform convinced seven of the nine presidential candidates to sign a political declaration to push for women's rights, including through municipal elections with female candidates, although no benchmarks were specified.

All ethnic groups were represented in the government.

Section 4. Corruption and Lack of Transparency in Government

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. Officials in all branches and levels of government engaged in corrupt and nontransparent practices with impunity. The World Bank's most recent 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. According to a 2008 UN report and the findings of UNIOGBIS, the country was rapidly becoming a major transit point and logistical hub in the drug trade. According to the UN Office on Drugs and Crime, the volume of drugs transiting the country increased during the year, but other groups disputed these numbers. The failure to interdict or investigate suspected narcotics traffickers contributed to the perception of government and military involvement in narcotics trafficking.

Public officials are legally required to disclose their personal finances before the Court of Audits, but the court had no authority to enforce compliance. No public officials disclosed personal finances during the year.

Limited progress was made during the year toward reducing corruption and increasing transparency. For example, one of the first actions of the transition government on assuming power was to cut allowances for ministry officials and prohibit the personal use of official vehicles. Finance ministry officials took steps to implement changes recommended several years ago by the World Bank to provide more transparency in government finances, including publishing results of an audit and providing more detail on line items in the budget.

The National Assembly had a committee mandated to be responsible for “anticorruption activities,” but it continued to be inactive as in previous years. A Financial Crimes Information Unit, established in 2011 to fight money laundering and corruption, remained inactive at year’s end. The police are mandated to fight corruption. They were ineffective, ill-equipped, undertrained, and inadequately resourced with no external assistance or support.

The law provides that “everyone has the right to information,” but such access was seldom provided. The law requires a sufficiently narrow list of exception, a reasonably short timeline, reasonable processing fees, administrative sanctions for noncompliance, and an appeal mechanism. The continued lack of technical support and functioning infrastructure ensured that the system remained nonresponsive.

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.

Amnesty International reported that several nongovernmental organization (NGO) leaders received anonymous death threats by telephone after the presidential elections in March.

Government Human Rights Bodies: The National Commission on Human Rights is a government human rights organization. It is independent but had few resources and remained ineffective.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination, but does not designate the kinds of discrimination the prohibition covers. The government did not enforce prohibitions against discrimination.

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but government enforcement was limited. The rape law carries a penalty of two to six years in prison. The law was not effectively enforced. The law permits prosecution of rape only 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 cultural practice dictated that problems be resolved within the family. There were no statistics available on the number of abusers who were prosecuted, convicted, or punished for rape, but the problem appeared to be persistent.

Domestic violence, including wife beating, was reportedly widespread. No law prohibits domestic violence. 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.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Children.

Sexual Harassment: There is no law prohibiting sexual harassment.

Reproductive Rights: 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. The UN Population Fund (UNFPA) reported that 98 of 114 health centers offered family planning services and that approximately 10 percent of women used contraception. The Roman Catholic Church and other religious groups discouraged condom use.

According to the UNFPA, the maternal mortality rate was 790 per 100,000 live births in 2010. The World Health Organization estimated the lifetime risk of maternal death as one in 25 in 2010. The major factors influencing maternal mortality were poor infrastructure and service delivery. The capacity of the health system was very low, including for obstetric care, and emergency obstetric care was available only in Bissau. Skilled health providers attended to 78 percent of

pregnant women; however, only 39 percent of live births were attended by a skilled health worker.

Discrimination: 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 reportedly experienced discrimination in employment and equal pay in wage labor and salaried positions.

Among certain ethnic groups, women could not manage land or inherit property.

Children

Birth Registration: 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 and the NGO Plan Guinea-Bissau conducts registration outreach in the Bafata and Gabu regions. A World Bank survey from 2010 estimated that 24 percent of children were registered before the age of five. Lack of registration resulted in the denial of education at schools above secondary level, since school registration requires a birth certificate. However, this requirement was often waived for children in primary schools.

Child Abuse: Violence against children was widespread, but it was seldom reported to authorities. In March the Ministry of Justice signed a memorandum of agreement with the NGO Plan Guinea-Bissau to reinforce child protection and end violence against children.

Child Marriage: The legal minimum age of marriage is 17. The UNFPA reported in 2010 that 22 percent of women ages 20-24 were married or in union before age 18. Child marriage occurred among all ethnic groups. Girls who fled arranged marriages often were trafficked into commercial sex. The buying and selling of child brides also reportedly occurred. Organizations such as the Millennium Development Goals Achievement Fund worked to provide legal, social, medical, and educational services to fight child marriage and protect its victims in some locations. A total of 144 communities, working with the NGO Tostan, publically declared their abandonment of child marriage.

Harmful Traditional Practices: Among certain ethnic groups, especially the Fula and Mandinka, FGM/C was performed on girls from as young as four months up to adolescence. According to a local NGO, more than 350,000 girls and women in the country were victims of FGM/C. UNICEF data from 2010 indicated 43.5 percent of girls and women age 15 to 19 were victimized.

On June 6, the National Assembly passed a law prohibiting FGM/C, which calls for violators to be punished with a fine of up to five million CFA francs (\$10,100) and five years in prison. The law went into effect on July 6. In October a group of Muslim preachers and scholars passed a declaration calling for the eradication of FGM/C. The UNFPA-UNICEF Joint Program on FGM/C worked with the Ministry of Justice to strengthen the dissemination and application of the law by building the capacities of officials responsible for its implementation. They also supported the Attorney General's Office, the police, and the Child Protection Service with bringing to trial four women who had practiced FGM/C in Bissau and the eastern part of the country. In November Ne di Ture was charged with performing FGM/C on a three-year-old girl. At year's end she was awaiting trial. In December several villages made public declarations promising to end the practice of FGM/C after participating in a three-year human rights program with the NGO Tostan. Working with the NGO Tostan, 144 communities publicly declared their abandonment of FGM/C.

Sexual Exploitation of Children: There are no explicit penalties for child prostitution, but there is a statutory rape law prohibiting 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. When pedophilia and sexual harassment were reported, police scolded victims. Sexual abuse by a family member was hidden by many families to avoid the shame of the community knowing that their child had been disgraced by their father or uncle. It was common for parents to give their child away to other family members or acquaintances that could provide better conditions and education for the child. Children in these types of situations often became more vulnerable to rape, abuse, and exploitation.

Displaced Children: The Child Protection Office of the Bissau Police Department estimated that 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.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no evidence of a Jewish community in the country and no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or other provisions of state services. There were no government efforts to mitigate discrimination against persons with disabilities or ensure their access to buildings, information, and communications. Some children with disabilities may have attended primary and perhaps secondary schools; higher education was not functioning during the year. There were no reports of children experiencing abuse in schools or in mental health facilities. 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. Provisions existed to allow blind and illiterate voters to participate in the electoral process, but voters with intellectual disabilities could be restricted from voting.

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

There are no laws that criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender individuals. There were no reported violent incidents or other 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, according to government guidelines for civil servants' housing allowances, only heterosexual married couples were entitled to family-size housing, while same-sex couples received the single person allotment. Social taboos against homosexuality sometimes restricted freedom to express sexual

orientation, yet society was relatively tolerant of consensual same-sex conduct, according to a 2010 study by the Pew Research Center.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides all workers with the freedom to form and join independent trade unions without previous authorization.

The law allows unions to conduct their activities without government interference; only trade union delegates are protected under union laws, while workers' rights to free speech and assembly are protected by the constitution. The law prohibits employer antiunion discrimination. However, the labor code only protects trade union delegates with adequate sanctions against antiunion discrimination. The law requires reinstatement of workers fired for union activity.

The law provides for the right to strike. The only legal restriction on strike activity is a prior notice requirement. The law also prohibits retaliation against strikers and does not exclude any group of workers from relevant legal protections.

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.

The government was ineffective, ill-equipped, undertrained, and inadequately resourced. It did not effectively enforce applicable laws, including remedies and penalties. Most wages were established in bilateral negotiations between workers and employers.

Freedom of association generally was not respected in practice. No workers alleged antiunion discrimination during the year, and the practice was not believed to be widespread.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. As with other laws, the government did not effectively enforce these laws. There were reports that forced child labor occurred, including forced child begging, street work, and domestic service (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

There are no specific laws that protect children from hazardous occupations. 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. However, there were reports that such practices occurred. As in previous years, types of forced child labor included domestic servitude, shoe shining, and selling food in urban streets.

The small formal sector generally adhered to the minimum age requirements. The Ministries of Justice and of Civil Service and Labor as well the Institute of Women and Childrens did not effectively enforce these requirements, particularly in informal work settings. The government participated in several programs to combat child labor funded by international donors. The local NGO Association of the Friends of Children estimated that 50 children per month returned home of their own volition. The NGO Network of Youth was also involved in removing child workers.

According to the 2010 Multiple Indicator Cluster Survey, almost 60 percent of children ages five to 14 worked – 65 percent in rural areas and 45 percent in urban areas. Children in rural communities performed domestic and fieldwork without pay to help support their families. They also lacked educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest.

Also see the Department of Labor's *Findings on the Worst Form of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The Council of Ministers annually establishes minimum wage rates for all categories of work. The lowest monthly wage was approximately 19,030 CFA francs (\$38) per month plus a bag of rice. The official estimate for the poverty income level was not available.

The law provides for a maximum 45-hour workweek. 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. The law provides for paid annual holidays.

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 may adopt into law. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs. The inspector general of labor is responsible for enforcing these standards but did not effectively enforce them during the year. Many persons worked under conditions that endangered their health and safety.