

GUINEA-BISSAU

EXECUTIVE SUMMARY

Guinea-Bissau is a multiparty republic. 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 Joao Bernardo Vieira by the military. International observers declared the election to be generally 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. On December 26, fighting between rival factions of the military resulted in two deaths.

Serious human rights abuses included beating and torture by security forces, poor conditions of detention, and violence--including female genital mutilation (FGM)--and discrimination against women.

Other human rights abuses included 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; trafficking of children; and child labor, including some forced labor.

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

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

a. Arbitrary or Unlawful Deprivation of Life

On the evening of December 26, Vladimir Cotta, an officer of the Interior Ministry's Rapid Intervention Police (PIR), was killed in a raid on a house occupied by some of Admiral Na Tchuto's alleged supporters. PIR officers alleged that Major Yaya Dabo, a former officer in the Interior Ministry's intelligence service, was responsible for the killing.

On December 28, PIR officers killed Dabo while he was en route to the Ministry of Interior, where he intended to turn himself in to the authorities. At the time of his death, Dabo was allegedly in the protective custody of two PIR officers and

accompanied by the president of the Bissau-Guinean Human Rights League and a member of parliament. Authorities called for a full investigation into the events, but no action was taken by year's end.

In July 2010 a civilian named Fernando Te was reportedly tortured to death while in custody at the Fifth Squadron police station. At year's end an investigation was ongoing with no individuals identified or charged with his death.

There were no developments in the cases of the 2009 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.

There were developments in the case of national assembly deputy Helder Proenca, whom military personnel beat, shot, and killed, along with his bodyguard and driver, in 2009 on the outskirts of Bissau. In 2009 the state attorney general filed a criminal complaint against Colonel Samba Djalo, chief of the Military Information and Security Service, who had accused Proenca of plotting to overthrow the government. On July 21, the attorney general referred the case to the Military Justice Court; however, the court returned the case to the attorney general the following day, citing a lack of jurisdiction. A decision on the jurisdictional issue remained pending before the Supreme Court at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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 this prohibition. The government did not punish members of the security forces who committed such abuses.

During his brief detention in April 2010 (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. He remained prime minister.

Prison and Detention Center Conditions

In December 2010 the Ministry of Justice, with the assistance of the UN Office on Drugs and Crime (UNODC), completed construction of the country's first secure prison facilities in the towns of Bafata and Mansoa. The prisons had a capacity of 90 prisoners, including cells for up to six women in Mansoa and eight in Bafata. Both had electricity and potable water. In June prisoners were transferred to the new prisons. In a three-year training program that included human rights modules, Portuguese officials trained and equipped guards at the prisons.

At the end of the year there were 64 prisoners held in the jails at Bafata and Mansoa. Of these, 43 were held in Bafata and 21 in Mansoa. Only four of the prisoners were women. No children were held at these facilities. Men and women were held separately, and juveniles were not held 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 were allowed to receive food from their families. Families were allowed to visit inmates at least twice a week, more often in cases of good behavior by the inmate.

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. Pretrial detainees were held 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. 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), the Bissau-Guinean Human Rights League, UN Integrated Peace-building Office in Guinea Bissau (UNIOGBIS) staff, the National Commission for Human Rights, and Aida (a Spanish human rights nongovernmental organization [NGO]).

Following his detention in April 2010 (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 UNIOGBIS 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 usually observed these prohibitions; however, security forces arbitrarily arrested persons and were involved in settling personal disputes, sometimes detaining persons without due process.

Following intramilitary violence on December 26, Admiral Na Tchuto and several of his supporters were detained at the Army's Mansoa Barracks, 37 miles from the city of Bissau. No charges were filed against Na Tchuto or the other detainees. Na Tchuto and his followers remained in detention at year's end.

Role of the Police and Security Apparatus

The country is divided into 37 police districts. There were an estimated 3,500 police personnel in nine different police forces reporting to seven different ministries. Judicial Police, under the Ministry of Justice, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crime, while 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.

On May 13, the head of the Judicial Police, Lucinda Barbosa Ahukarle, resigned, citing death threats she had received because of her work fighting drug trafficking.

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 that office were also poorly paid and susceptible to threats, corruption, and coercion.

During a military mutiny in April 2010, Na Tchuto and soldiers loyal to then deputy armed forces chief Indjai beat, robbed, and detained Prime Minister Gomes, then-armed forces chief of staff 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 his release in December 2010.

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.

In July 2010 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, particularly of immigrants suspected of crimes, often occurred. 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 practice. 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 were allowed prompt access to family members.

While the vast majority of the prison population consisted of detainees awaiting the conclusion of their trials, 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, but the largely nonfunctional judicial branch had little independence. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. Judges periodically went on strike throughout the year to protest their pay and working conditions. Courts and judicial authorities were also frequently biased and passive. The attorney general had little protection from political pressure since the president can independently replace the incumbent. A lack of materials or infrastructure often delayed trials, and convictions were extremely rare.

In addition to the civilian judicial structure, a military court system exists. The Supreme Military Court is the final court of appeal for military cases. In theory military courts do not try civilians. Although civilian courts may try all cases involving state security, even if the accused are members of the military, civilian courts were reluctant to assert their jurisdiction over 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, question witnesses, have access to evidence held by the government, and appeal. Trials in civilian courts are open to the public. Defendants have the right to be present and present witnesses and evidence on their behalf. For those few defendants whose cases went to trial, and despite the otherwise dysfunctional judiciary, these rights were respected in a majority of cases. Citizens who cannot afford an attorney have the right to a court-appointed lawyer, but court-appointed attorneys received no compensation from the state for representing indigent clients, were not punished for failing to do so, and generally ignored such responsibilities.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judicial system handles civil as well as criminal matters, but 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

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights in practice. Unlike the previous year, there were no reports security forces detained persons for exercising their right to free speech. However, journalists who reported on narcotics trafficking came under considerable government pressure, and journalists practiced self-censorship.

Freedom of Press: In March, Prime Minister Gomes brought defamation charges against Ali Silva, author of the *Ditadura do Consenso* blog. On March 21, Silva was summoned to the Attorney General's Office, where he was questioned for two hours and subsequently released. The charges remained pending at year's end.

On April 15, the Council of Ministers suspended publication of the *Ultima Hora* newspaper following the publication of an article accusing soldiers under the command of Indjai of killing then president Vieira. The National Union of Journalists and the NGO Reporters Without Borders condemned the government's action as "backward and coercive." At a news conference on April 20, Minister of the Presidency, Parliamentary Affairs, and Social Communication Maria Adiatu Djalo Nandigna issued a "vibrant appeal to the media, especially the newspaper *Ultima Hora*, to bring their editorial policies into line with the higher interests" of Guinea-Bissau. She added that if the appeal was ignored, the government could "use its legal powers to cancel licenses for good." *Ultima Hora* resumed publication.

In May 2010 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 year’s end.

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.

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.

Freedom of Association

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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 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.

In June 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.

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. This conflict sometimes spilled over into Guinea-Bissau. 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

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 UN High Commission for Refugees opened an office in Bissau in February 2010 and facilitated the issuance of refugee cards. As in previous years, local communities in northern Guinea-Bissau lent land for cultivation to long-term refugees from the Casamance region of southern Senegal. Rather than utilizing local schools, most refugees sent children to nearby Senegalese schools in the Casamance, which were perceived as being of 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 change their government peacefully.

Elections and Political Participation

Recent Elections: Following the March 2009 military assassination of President Vieira, interim President Raimundo Pereira postponed the first round of the presidential election until June 2009 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 generally free and fair.

Political Parties: 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.

Unlike previous years, the political opposition was not subjected to restrictions on political activity or overt violence such as torture or killings.

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

All ethnic groups were represented in the government.

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. There were no new investigations of corruption by the attorney general during the year.

On August 29, a group of NGOs released a statement calling for additional transparency in the extractive industry. In particular the group called for more public information on the offshore oil industry and the mining of phosphate, bauxite, and heavy metals in various areas of the country.

No officials were arrested or charged with embezzlement during the year.

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 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 no 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.

In June the minister of health announced several regional health directors had mismanaged funds that were to have been used for the purchase of medicine. Some of the drugs were allegedly resold on the black market at higher prices. As of the end of the year, none of the health directors was charged with any crime.

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.

In April the government announced the establishment of a Financial Crimes Information Unit to fight money laundering and corruption.

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

The law provides that "everyone has the right to information"; 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.

Unlike the previous year, there were no reports of NGO workers being harassed.

UN and Other International Bodies: The government permitted visits by UN representatives, including UNIOGBIS personnel and the ICRC. The ICRC, UNIOGBIS staff, and NGOs visited the prisons in Mansoa and Bafata regularly.

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

The law prohibits discrimination but does not designate 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 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 cultural practice 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. No law 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.

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

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. There is access to birth control and limited access to HIV testing. Women and men were equally diagnosed and treated for sexually transmitted infections. 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, skilled health providers attended to 78 percent of pregnant women; 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.

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 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 business ownership.

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. UNICEF data from 2000-09 estimated 39 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.

Education: 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 enrollment rate in primary schools was 65.4 percent for girls and 69.3 percent for boys, but Islamic schools banned girls from attending. Children often were required to help their families in the fields, which conflicted with schooling.

Child Abuse: Violence against children was widespread, but it was seldom reported to the authorities.

During the year a teacher, Maria Filomena Ribeiro, was accused of imprisoning her eight-year-old daughter in her home with ropes and a padlock. Local NGO Association of the Friends of Children (AMIC) denounced the incident as "inhuman." Judicial Police opened an official investigation but did not file charges as of year's end.

In 2010 an 85-year-old man in Gabu was charged with sexually abusing and impregnating two of his granddaughters, ages 15 and 16. His trial had not begun by year's end.

Harmful Traditional Practices: Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM, not only on adolescent girls but also on babies as young as four months. According to a local NGO, more than 350,000 girls and

women in the country were victims of FGM. UNICEF data from 1997-2009 indicate 45 percent of women and girls were victimized.

On June 6, the National Assembly passed a law prohibiting FGM, which calls for violators to be punished with a fine of up to five million CFA francs (\$9,000) and five years in prison. The law was published and went into effect on July 6. In November, Ne di Ture was charged with performing FGM on a three-year-old girl. At year's end, she was awaiting trial.

Child Marriage: Child marriage occurred among all ethnic groups, but no reliable data existed. Girls who fled arranged marriages often became trafficked into commercial sex. The buying and selling of child brides also reportedly occurred. Local NGOs worked to protect the rights of women and children and operated programs to fight child marriage and protect its victims. Observers claimed that NGO efforts to enroll more girls in school increased 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.

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.

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 were 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 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. 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 to express sexual orientation. 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, the law only recognized heterosexual married couples as entitled to larger government housing.

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, only trade union delegates are protected by the labor code against antiunion discrimination, with inadequate sanctions.

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.

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. 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 forced or compulsory labor, including by children.

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 exploitation in the workplace. 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.

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 these minimum age requirements. The Ministries of Justice and of Civil Service and Labor did not effectively enforce these requirements, particularly in informal work settings, where most child labor occurred. The government did not take 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 participated in several programs to combat child labor funded by international donors. The AMIC 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 work--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, but it did not enforce them. The lowest monthly wage was approximately 19,030 CFA francs (\$34) per month plus a bag of rice.

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 may adopt 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.