

GUINEA-BISSAU 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea-Bissau is a multiparty republic. It was ruled by the democratically elected President Jose Mario Vaz of the African Party for the Independence of Guinea and Cabo Verde (PAIGC) and his appointed prime minister, Umaro Sissoco Embaló. Vaz took office in 2014 after a general election that included all 102 seats in the National Assembly. International observers considered the elections free and fair. The country has endured prolonged political gridlock punctuated by periods of turmoil since President Vaz dismissed former prime minister Domingos Simoes Pereira in 2015.

Civilian authorities maintained control over the security forces.

The most significant human rights issues included lack of judicial independence and due process; interference with privacy; official corruption exacerbated by government officials' impunity and suspected involvement in drug trafficking; lack of investigation and accountability in cases of violence and discrimination against women and children; female genital mutilation/cutting (FGM/C); and trafficking in persons.

While the government took steps to investigate and punish officials who committed abuses, impunity in general remained a serious problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and the armed forces and police respected these prohibitions.

Prison and Detention Center Conditions

Prison conditions varied widely. In the makeshift detention facilities for pretrial detainees, conditions were harsh and life threatening. Except in the prisons in Bafata and Mansoa, electricity, potable water, and space were inadequate.

Physical Conditions: Conditions of confinement were poor. Detention facilities generally lacked secure cells, running water, adequate heating, ventilation, lighting, and sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. At the pretrial detention center in Bissau, detainees relied on their families for food. Officials held pretrial detainees with convicted prisoners and juveniles with adults. There was one reported death in police custody in January.

Administration: Authorities did not investigate allegations of inhuman conditions. There was no prison ombudsman to respond to prisoners' complaints or independent authorities to investigate credible allegations of inhuman conditions.

Independent Monitoring: The government permitted independent monitoring of detention conditions by local and international human rights groups.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government usually observed these prohibitions. Detainees may challenge the lawfulness of detention before a court through a regular appeals process, obtain prompt release, and obtain compensation if found to have been unlawfully detained.

Role of the Police and Security Apparatus

The country is divided into 37 police districts. An estimated 3,500 police personnel in nine different police forces reported to seven different ministries. The Judicial Police, under the Ministry of Justice, has primary responsibility for investigating drug trafficking, terrorism, and other transnational crimes. The Public Order Police, under the Ministry of Interior, is responsible for preventive patrols, crowd control, and maintenance of law and order. Other police forces include the State Information Service (intelligence), Border Police (migration and

border enforcement), Rapid Intervention Police, and Maritime Police. According to the constitution, the armed forces may be called upon to assist police in emergencies.

Police were generally ineffective, poorly and irregularly paid, and corrupt. They received no training and had insufficient funding to buy fuel for police vehicles. Traffic police often demanded bribes from drivers. Lack of police detention facilities frequently resulted in prisoners leaving custody during investigations. Impunity was a serious 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.

Civilian authorities maintained effective control over police and armed forces, although the government had few mechanisms to investigate and punish abuse.

Arrest Procedures and Treatment of Detainees

The law requires arrest warrants, although warrantless arrests often occurred, particularly of immigrants suspected of crimes. By law detainees must be brought before a magistrate within 48 hours of arrest and be released if no indictment is filed, but this standard was not always met. Authorities informed detainees of charges against them. 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. Authorities usually held civilian suspects under house arrest.

Arbitrary Arrest: There were reports police occasionally arrested persons arbitrarily and detained them without due process. In April PAIGC political bureau member Manuel Manecas dos Santos was arrested and held for 24 hours with no formal accusation, reportedly for a media interview in which he described the political deadlock as an attempted coup d'état against the constitution by President Vaz.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary was subject to political manipulation. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. A lack of resources and

infrastructure often delayed trials, and convictions were extremely rare. Authorities respected court orders, however.

Trial Procedures

Citizens have the right to a presumption of innocence; to be informed promptly of the charges, with free interpretation as necessary, from the moment charged through all appeals; to a fair trial without undue delay; to be present at their trial; and to communicate with an attorney of choice or have one provided at court expense from the moment charged and through all appeals. The law provides for the right to confront witnesses and present witnesses and evidence, not to be compelled to testify against oneself or to admit guilt, and to appeal. Defendants generally have adequate time and facilities to prepare a defense; however, most cases never came to trial. There is no trial by jury. Trials in civilian courts are open to the public.

Political Prisoners and Detainees

Unlike in the previous year, there were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may seek civil remedies for human rights violations; however, there was no specific administrative mechanism to address human rights violations.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press; however, there were reports the government did not always respect this right.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. There were several private newspapers in addition to the government-owned newspaper *No Pintcha*, but the state-owned printing house published all of them. In July, the Portuguese state radio station RDP and state television and radio station RTP had their licenses suspended, ostensibly for a lapse of governmental agreements between Portugal and Guinea-Bissau. Many believe, however, that they were targeted for providing airtime to the political opposition.

Violence and Harassment: The government took no steps to preserve the safety and independence of media or to prosecute individuals who threatened journalists.

Censorship or Content Restrictions: There were reports of journalists receiving threats and practicing self-censorship. In September union officials at the Guinea-Bissau state television service TGB presented a petition to the government signed by 88 employees that denounced attempted censorship, in overt or other forms.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, 3.8 percent of the population used the internet in 2016. 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. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights. In April a march by an opposition political faction in Bissau clashed with police, resulting in 18 injuries to police and protesters.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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.

Protection of Refugees

The country hosted thousands of long-term refugees and asylum seekers from Senegal's Casamance Region. Many residents maintain ethnic and family ties on both sides of country's poorly marked northern border with the Casamance, rendering the nationality of many individuals in the region unclear.

Access to Asylum: The law provides for granting of asylum or refugee status. The government did not grant refugee status or asylum during the year, and there were no reported requests for either. The UNHCR office in Bissau facilitated the issuance of refugee cards.

Durable Solutions: On December 6, the government announced that it would grant nationality to between 4,000 and 10,000 refugees, many of whom had lived in the country for decades. Most of these refugees were originally from Senegal's Casamance region, with a minority from Liberia and Sierra Leone.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The 2014 general elections resulted in a new National Assembly and president. Jose Mario Vaz of the PAIGC and Umaro Sissoco Embaló, respectively, served as president and prime minister. Embaló was the fifth prime

minister appointed by President Vaz during his term. Independent observers assessed the 2014 elections as free and fair.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate, although the 102-member National Assembly had only 14 female members. Some observers believed that traditional and cultural factors limited the political participation of women compared to men.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties of one month to 10 years in prison for corruption by officials; however, the government did not implement the law effectively, and officials in all branches and on all levels of government engaged in corrupt and nontransparent practices with impunity. The Ministry of Finance made some strides against widespread and ingrained corrupt practices when it suspended September salary payments to thousands of nonexistent, deceased, duplicative, or retired civil servants.

Corruption: 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. The failure to interdict or investigate suspected narcotics traffickers contributed to the perception of government and military involvement in narcotics trafficking.

Financial Disclosure: By law public officials are required to disclose their personal finances before the Court of Audits, and these disclosures are to be made public. The court has no authority to enforce compliance, and penalties are not specified for noncompliance. By year's end no public officials had disclosed their personal finances.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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.

Government Human Rights Bodies: The National Commission on Human Rights is a government human rights organization. It was independent but remained inadequately funded and ineffective.

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and provides penalties for conviction of two to 12 years in prison; however, the government did not effectively enforce the law. The law permits prosecution of rape only when reported by the victim, which observers noted was rare due to victims' fear of social stigma and retribution.

No law prohibits domestic violence, but it, including wife beating, was widespread. 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): The law prohibits FGM/C. Conviction for its practice is punishable by a fine of up to five million CFA francs (\$9,190) and five years in prison. Muslim preachers and scholars called for the eradication of FGM/C. The Joint Program on FGM/C of the UN Population Fund and UNICEF worked with the Ministry of Justice to strengthen the dissemination and application of the law by building the capacities of officials responsible for program implementation.

The April 2017 UN Integrated Peacebuilding Office in Guinea-Bissau's *Report on the Right of Health in Guinea-Bissau* estimated that 45 percent of the female population had undergone the FGM/C procedure.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>

Sexual Harassment: There is no law prohibiting sexual harassment, and it was widespread. The government undertook no initiatives to combat the problem.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates

on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: By law women have the same legal status and rights as men, but discrimination against women was a problem, particularly in rural areas where traditional and Islamic laws dominated.

Children

Birth Registration: Citizenship is derived by birth within the country or from citizen parents. Birth registration does not occur automatically at hospitals; parents must register births with a notary. Lack of registration resulted in denial of public services, including education. For additional information, see Appendix C.

Education: Most children remained at home frequently because schools were only open intermittently due to strikes by teachers. The Ministry of Public Education began a national campaign to raise awareness to enroll and keep children from the age of six in school.

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

Early and Forced Marriage: The legal minimum age of marriage is 16 for both genders. Early and forced 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 occurred. There were no government efforts to mitigate the problem. For additional information, see Appendix C.

Sexual Exploitation of Children: There is a statutory rape law prohibiting sex with a person under age 16. The rape law carries a penalty for conviction of two to 12 years in prison, and the law prohibits child pornography. When pedophilia and sexual harassment were reported, police at times blamed victims.

There were reports of child sex tourism occurring in the isolated Bijagos Islands.

Displaced Children: The national nongovernmental organization (NGO) Association of the Friends of Children estimated that up to 500 children, mostly from neighboring Guinea, lived on the streets of urban centers including Bissau, Bafata, and Gabu. 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

There were small communities of Jews, Hindus, and Buddhists 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/rls/tiprpt/.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not counter discrimination against persons with disabilities or provide access to buildings, information, and communications. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health care, 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.

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

There are no laws that criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, transgender, or intersex 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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law does not provide for the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Workers and employers established most wages in bilateral negotiations.

The law provides for the right to strike, but workers must give prior notice. The law also prohibits retaliation against strikers and does not exclude any group of workers from relevant legal protections. Many sectors of the economy were on strike at some time during the year, typically because of low salaries. Workers in the education, media, and public sectors struck during the year.

The law allows unions to conduct their activities without government interference. Laws on unions provide protection only for trade union delegates, while the constitution provides for workers' rights to free speech and assembly. The law prohibits employer discrimination against official trade union representatives. The law requires reinstatement of workers terminated for union activity; there were no reports of such termination during the year.

The government did not effectively enforce applicable labor laws, including remedies and penalties. Penalties for violations, which usually took the form of fines, were insufficient to deter violations. Authorities generally respected freedom of association. No workers alleged antiunion discrimination. Worker organizations were not independent of government and political parties, employers, or employer associations, which sometimes sought to influence union decisions and actions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the laws. Penalties, which usually took the form of fines, were sufficiently stringent and commensurate with other serious crimes such as rape, but the government did not use these or other relevant laws to prosecute cases of forced labor. There were reports forced child labor occurred, including forced begging, selling food on urban streets, and domestic service (see section 7.c.).

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

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.

The Ministries of Justice and of Civil Service and Labor and the Institute of Women and Children did not effectively enforce these requirements, particularly in informal work settings. Resources, inspections, and remedies were inadequate. Penalties usually took the form of fines and were insufficient to deter violations. The government provided no services of any kind and did not arrest or prosecute any violators.

Forced child labor occurred in domestic service; begging, including that perpetrated by corrupt teachers in some Quranic schools; agriculture and mining; shoe shining; and selling food on urban streets. Some religious teachers, known as marabouts, deceived boys and their families by promising a Quranic education but then put the boys to work or took them to neighboring countries for exploitation. The small formal sector generally adhered to minimum age requirements, although there were reports minors worked overtime despite the prohibition.

The national NGO Association of the Friends of Children was the main organization in the country working to receive and reintegrate returning "talibes." Quranic students in some cases were trafficked into Senegal and forced to beg there.

Children in rural communities performed domestic and fieldwork without pay to help support their families.

The government ratified the Optional Protocol to the Rights of the Child on the involvement of children in armed conflict in 2014 but undertook no investigative or enforcement actions. The child code bans child trafficking and provides for three to 10 years' imprisonment for conviction of the crime.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law and regulations do not prohibit discrimination regarding race, color, sex, religion, political opinion, national origin, citizenship, disability, language, sexual orientation or gender identity, age, HIV-positive status or having other communicable diseases, or social origin.

Women faced considerable pay gaps and, because employers preferred to avoid paying maternity benefits, were less likely to be hired than men. Documented discrimination on the other above categories with respect to employment and occupation was not available.

e. Acceptable Conditions of Work

The Council of Ministers annually establishes minimum wage rates for all categories of work. The lowest monthly wage in the formal sector was 19,030 CFA francs (\$35) per month plus a bag of rice. The informal sector included an estimated 80 percent of workers. No official estimate for the poverty income level was available.

The law provides for a maximum 45-hour workweek. The law also provides for overtime work with premium pay, and overtime may not exceed 200 hours per year. There is a mandatory 12-hour rest period between workdays. The law provides for paid annual holidays.

In cooperation with unions, the Ministries of Justice and Labor establish legal health and safety standards for workers, which the National Assembly may adopt into law. The standards are current and appropriate for the main industries. 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 do so effectively and did not enforce these standards in the informal economy. The Ministry of Labor employs one inspector for each of the country's eight rural regions and two for Bissau Region. The number of labor inspectors was inadequate, and they lacked resources and training. There were no reports that inspections were conducted during the year. Penalties, which usually take the form of fines, were not sufficient to deter violations. Many persons worked under conditions that endangered their health and safety.