

GUINEA-BISSAU 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea-Bissau is a multiparty republic. The country has endured prolonged political gridlock punctuated by periods of turmoil. Aristides Gomes is the seventh prime minister since 2015. In March the country held legislative elections, which included all 102 seats in the National Assembly. Presidential elections held in November resulted in two finalists: Domingos Simoes Pereira, and Umaro Sissoco Embaló. The National Elections Commission of Guinea-Bissau declared Umaro Sissoco the winner of the December 29 presidential runoff election. International observers considered all elections in the 2019 cycle to be free and fair.

National police forces maintain internal security. 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. The army is responsible for external security but also has some internal security responsibilities. The armed forces may be called upon to assist police in emergencies. Civilian authorities maintained control over the security forces.

Significant human rights issues included: harsh and life-threatening prison conditions; lack of judicial independence and due process; official corruption exacerbated by government officials' impunity and suspected involvement in drug trafficking; trafficking in persons; and crimes of violence against women and girls, including female genital mutilation/cutting.

While the government took steps to investigate and punish officials who committed abuses, impunity 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 there were no reports that government authorities employed them.

Prison and Detention Center Conditions

Prison conditions varied widely. In the makeshift detention facilities for pretrial detainees, conditions were harsh and life threatening.

Physical Conditions: Conditions of confinement were poor. Except in the prisons in Bafata and Mansoa, electricity, potable water, and space were inadequate. Pretrial 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 were no reported deaths in police custody.

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. In 2018 the National Commission for Human Rights recommended the closure of four pretrial detention centers (Cacine, Catio, Bigene, and Bissora) due to a lack of humane conditions, but the government took no action.

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.

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 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.

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.

In January, 10 military officials accused of an attempted coup d'état, who had been detained since 2017, were cleared and released due to lack of evidence.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The court system, however, did not often provide fair trials and reflected the actions of the corrupt judges who sometimes worked in concert with police. Cases were sometimes delayed without explanation, and occasionally fines were directly taken out of defendants' bank accounts without their knowledge.

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

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, Including Online Media: 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.

Violence and Harassment: The government took no steps to preserve the safety and independence of media or to prosecute individuals who threatened journalists. During the parliamentary elections in March, supporters of the political party

Movement for a Democratic Alternation harassed a journalist. The journalists' union publicly condemned the incident.

Censorship or Content Restrictions: There were no cases of censorship in public media, but political considerations often caused journalists to self-censor news content.

Internet Freedom

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

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; the government, however, failed to respect these rights.

Freedom of Peaceful Assembly

In October opposition parties protested the organization of the presidential election. During the protest a body was found at an opposition party headquarters under unclear circumstances, with protesters claiming the death resulted from police actions. The Ministry of Interior was investigating the case at year's end.

In May 2018 the Movement of Nonconforming Citizens filed with the Economic Community of West African States Community Court of Justice a complaint against the government for violation of freedom of peaceful protest. At year's end the case continued.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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.

e. Internally Displaced Persons

Not Applicable.

f. 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 the country's poorly marked northern border with the Casamance, rendering the nationality of many individuals in the region unclear.

Abuse of Migrants, Refugees, and Stateless Persons: 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.

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: In December 2018 President Jose Mario Vaz granted citizenship to more than 7,000 linguistically and culturally assimilated refugees living in the country for more than 25 years. The decree is in conformity with international agreements on migration and asylum. At year's end the government had issued official identification to more than 5,000 of these individuals. Most of these refugees were originally from Senegal's Casamance Region, with minorities from Liberia and Sierra Leone.

g. Stateless Persons

Not Applicable.

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: Legislative elections were held on March 10 and resulted in a new National Assembly and government. Independent observers stated the elections were free and fair. The African Party for the Independence of Guinea-Bissau and Cabo Verde won a plurality with 47 members of parliament and formed a governing coalition with three other political parties. Political conflict delayed the inauguration of the new government until three months after elections. On July 3, under pressure from the Economic Community of West African States, President Vaz appointed Aristides Gomes prime minister. The first round of the presidential election took place on November 24. The top two finishers from the first round, Domingos Simoes Pereira and Umaro Sissoco Embaló, met in a runoff election on December 29. The National Election Commission declared Embaló the winner. International Observers characterized the election as free, fair, and transparent.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Some observers believed traditional and cultural factors limited the political participation of women compared with men.

During legislative elections no political party complied with the August 2018 gender-parity law, which requires 36 percent of candidates to be female. There were 14 women in the 102-member National Assembly, just as there were in the prior legislature. The cabinet of the new government had equal gender representation, with eight of the 16 ministries led by women.

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. 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.

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. Trafficking in illegally cut timber was also an issue involving military and civilian authorities.

Financial Disclosure: By law high-level 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.

Although the law prohibits domestic violence, abuse was widespread. The government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Cases of domestic violence and child abuse were commonly resolved within the household. Limited access to institutions of justice also contributed to the preference for customary law as a way of solving societal problems. Recourse to the formal justice system was poorly understood, expensive, and seldom used.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, without reference to age of the victims. FGM/C was practiced on girls younger than age five. Conviction for its practice is punishable by a fine of up to five million Central African (CFA) francs (\$8,490) 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 2017 UN Integrated Peacebuilding Office in Guinea-Bissau's *Report on the Right of Health in Guinea-Bissau* estimated 45 percent of the female population had undergone the FGM/C procedure.

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 or involuntary sterilization.

Discrimination: The constitution grants men and women equal rights. Gender discrimination, however, prevailed due to society's norms based on traditional customs and rules of ethnic groups and religious communities that perpetuated inequalities. For example, although the formal law attributes equal rights for all children in cases of inheritance, the customary law across different communities denies those rights to many children. The land-tenure law recognizes equal rights for men and women to access the land, yet it also recognizes the customary law that favors men as a way of acquiring tenure rights.

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.

Education: Most school-aged children frequently remained at home because schools opened only intermittently due to strikes by teachers.

Child Abuse: There are no laws regarding child abuse specifically. 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 problems. According to UNICEF, 6 percent of all girls were married by age 15 and 24 percent by age 18.

Sexual Exploitation of Children: There is a statutory rape law prohibiting sex with a person younger than age 16. The rape law carries a penalty for conviction of two to 12 years in prison. The law also prohibits child pornography. The law criminalizes commercial sexual exploitation of children and prescribes penalties of three to 15 years' imprisonment and the confiscation of any proceeds from the crime. When pedophilia and sexual harassment were reported, police at times blamed victims.

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

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Displaced Children: The national nongovernmental organization (NGO) Association of the Friends of Children estimated 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. The government worked with Senegal to return 171 children sent to Quranic schools in Senegal back to Guinea-Bissau. These children usually ended up begging and being mistreated.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were small communities of Jews in the country and no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 for them to buildings, information, and communications. The government made some efforts to assist military veterans with disabilities through pension programs, but these 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 proven severe intellectual disabilities could be prohibited 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 (LGBTI) individuals. There were no reported violent incidents or other human rights abuses targeting individuals based on their sexual orientation or identity.

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, with the exception of the military and police.

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 72-hour 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. A national teachers' strike that began in October 2018 over nonpayment of wages continued intermittently throughout the year. Public-sector workers demanding an increase in the minimum wage carried out weekly strikes 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. The law does not apply to domestic workers.

The government did not effectively enforce applicable labor laws, and penalties were insufficient to deter violations. Authorities generally respected freedom of association in the formal sector. 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. Prescribed penalties were sufficiently stringent, but the government did not use these or other relevant laws to prosecute cases of forced labor. There were reports forced child labor occurred in the informal sector, including forced begging, selling food on urban streets, and domestic servitude (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

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 law prohibits children younger than age 18 from conducting heavy work, work in unhealthy or dangerous conditions, work at night, and underground work; however, the government has not established a list of hazardous work.

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 minimal fines that have not been adjusted to reflect the adoption of the CFA franc and were insufficient to deter violations. The government provided no services of any kind, besides inspections, and did not arrest or prosecute any violators.

Forced child labor occurred in domestic service; begging; 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 as forced beggars. 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* (students).

Children in rural communities performed domestic labor and fieldwork without pay to help support their families. Minors in these situations as well as those who received some pay were frequently subjected to violence and sexual assault. According to an NGO survey, nine in 10 domestic workers suffered sexual abuse. A 14-year-old domestic worker who reported regular beatings from her employers suffered serious injuries after her employer doused her with boiling water in December 2018.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/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. The constitution provides for equality for all, but LGBTI persons faced discrimination in hiring, and persons with disabilities faced discrimination in hiring and access to the

workplace. Documented discrimination in the other foregoing 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. Although the minimum wage of public-sector workers was above the World Bank's international poverty line, the lowest minimum wage for private-sector employees was substantially below the poverty line. This minimum wage was not observed in the informal sector, which includes an estimated 80 percent of workers.

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 had not adopted into law by year's end. The standards were 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 the law but did not do so effectively. Although the number of labor inspectors nearly doubled in 2018, it remained insufficient to detect and deter violations. Wage and occupation, safety, and health regulations were not enforced in the informal sector, which included the vast majority of workers. Penalties, which usually take the form of minimal fines that have not been adjusted for inflation, were not sufficient to deter violations. Many persons worked under conditions that endangered their health and safety.