

GUINEA-BISSAU 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea-Bissau is a multi-party republic. It is ruled by a transition government led by interim President Manuel Serifo Nhamadjo until elections expected in 2014. In March 2012 presidential elections were held to replace the deceased former president Malam Bacai Sanha of the African Party for the Independence of Guinea and Cape Verde (PAIGC). A military coup in April 2012 interrupted the electoral process before the second round. The transition government brokered by the Economic Community of West African States in May 2012 was expanded to include all factions of the majority party, the PAIGC. Authorities failed to maintain effective control over the security forces. Security forces committed human rights abuses.

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

Other human rights abuses included poor conditions of detention; lack of judicial independence and due process; interference with privacy; violence and discrimination against women; female genital mutilation/cutting; trafficking of children; and child labor, including some forced labor.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There was one report that government agents committed an arbitrary killing during a hazing exercise at a training facility for security service recruits.

There were no further developments in the March 2012 shooting death of Colonel Samba Djalo, former chief of the Military Information and Security Service.

On April 25, a military court convicted nine individuals for the attack on a military base in October 2012. They were sentenced to between three and eight years in

prison for treasonous activities and other crimes. The court acquitted seven other defendants of all charges.

b. Disappearance

Unlike the previous year, 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 these prohibitions. The government did not punish members of the security forces who committed such abuses.

On November 5, Minister of State for Transportation and Telecommunications Orlando Viegas was beaten in his residence in Bissau by unknown assailants who could have been military personnel. He is reported to have been transported to Dakar, Senegal, for medical treatment.

Unlike the previous year, there were no reports of torture.

At year's end there were no further developments in the October 2012 abduction and beating of prominent opposition politicians Iancuba Indjai and Sylvestre Alves.

Prison and Detention Center Conditions

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

Physical Conditions: At the end of the year, there were 47 prisoners held in the prison in Bafata and 45 in Mansoa. Four of the prisoners were women. The prisons had a capacity of 90 prisoners, including cells for up to six women in Mansoa and eight in Bafata. No children were held at these facilities. Officials held men and women separately and did not hold juveniles with adults. There were no reports of deaths in the prisons or of guards or other prisoners brutalizing or raping inmates. In Mansoa and Bafata, prison administrators provided food to

the prisoners. Food was not provided to prisoners held in pretrial detention in Bissau, who could receive food from their families. Eight percent of prisoners in Bafata and 6 percent of prisoners in Mansoa were pretrial detainees.

The government continued to utilize makeshift detention facilities at the Judicial Police headquarters and on military bases for short-term detention of up to 48 hours. Conditions of confinement were poor. Detention facilities generally lacked secure cells, running water, adequate ventilation, lighting, and sanitation. Detainees' diets were poor and medical care was virtually nonexistent. Officials held pretrial detainees with convicted prisoners and juveniles with adults.

Administration: Authorities did not maintain adequate records or investigate allegations of inhumane conditions. They lacked the resources to use alternatives to incarceration in the cases of nonviolent offenders. In many cases detainees were released informally on their own recognizance or simply walked away from makeshift detention facilities. There was no prison ombudsman to respond to prisoners' complaints.

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

Independent Monitoring: The government permitted independent monitoring of detention conditions by local and international human rights groups. According to the Justice Ministry's director of justice administration, the UN Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) and the National Commission for Human Rights regularly visited the prisons in Mansoa and Bafata.

d. Arbitrary Arrest or Detention

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

During the April 2012 coup, soldiers took into custody former prime minister Gomes Junior and former interim president Pereira, as well as several major PAIGC figures. Two weeks later, soldiers released Gomes Junior and Pereira and

sent them abroad. While free to return, both Gomes Junior and Pereira remained in Portugal, where they ultimately ended up.

Role of the Police and Security Apparatus

The country is divided into 37 police districts. There were estimated to be 3,500 police personnel in nine different police forces reporting to seven different ministries. The Judicial Police, under the Ministry of Justice, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crimes. Meanwhile the Public Order Police, under the Ministry of Interior, are responsible for preventive patrols, crowd control, and conventional maintenance of law and order. Other police forces include the State Information Service, Border Service, Rapid Intervention Police, 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 no training during the year. Transit police often demanded bribes from vehicle drivers whether their documents and vehicles were in order or not. Lack of police detention facilities frequently resulted in prisoners walking out of custody during investigations.

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. In August 2012 the transition government appointed a new attorney general, Abdou Mane, who pledged to put an end to these practices. In December 2012 representatives of the various police services issued a body of recommendations aimed at enhancing police effectiveness after participating in a seminar organized by the Judicial Police with UNIOGBIS support. The killings of prominent persons from 2009 through 2012 remain unprosecuted. Corruption of officials from 2010 through 2012 remained unprosecuted. The government had no capability or resources to pursue these prosecutions.

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

Arrest Procedures and Treatment of Detainees

The law requires arrest warrants, although warrantless arrests often occurred, particularly for immigrants suspected of crimes. The law requires that detainees be brought before a magistrate within 48 hours after arrest and be released if no timely indictment is filed; however, authorities did not always respect these rights. In general detainees were informed promptly of charges against them, but in some military detentions, detainees were not notified. Although the law provides for the right to counsel at state expense for indigent clients, lawyers did not receive compensation for their part-time public defense work and often ignored state directives to represent indigent clients. There was a functioning bail system. Pretrial detainees had prompt access to family members.

Arbitrary Arrest: There were reports that police occasionally arrested persons arbitrarily and detained them without due process.

Pretrial Detention: While the vast majority of prisoners were detainees awaiting the conclusion of their trials, few detainees remained in custody longer than one year. Most left detention before the conclusion of their trials as a result of inadequate detention facilities, lack of security, and rampant corruption. The few prisoners who were convicted seldom remained in custody for more than two years. Prisoners remanded to their homes due to space constraints in detention facilities often failed to return to prison.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary had little independence and was barely operational. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. Courts and judicial authorities were also frequently biased and nonproductive. The attorney general had little protection from political pressure. A lack of materials and infrastructure often delayed trials, and convictions were extremely rare. Authorities respected court orders when they were issued.

Trial Procedures

The law provides for all citizens the right to presumption of innocence, to be informed promptly of the charges, to a fair trial, and to communicate with an attorney of choice or have one provided at court expense. It also provides for the right to access evidence held by the government, to confront witnesses and present

witnesses and evidence, not to be compelled to testify against oneself, and to appeal. Defendants generally have adequate time and facilities to prepare a defense; however, most cases never come to trial. There is no trial by jury. Trials in civilian courts are open to the public.

Trials were rarely held, but for those few defendants whose cases went to trial, these rights were respected in a majority of cases. However, court-appointed attorneys received no compensation from the state for representing indigent clients, were not punished for failing to do so, and generally ignored such responsibilities.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, there were reports the government did not always respect these rights. Following the April 2012 coup, the junta temporarily shut down radio and television stations. Once the stations resumed broadcasts, there were reports of journalists receiving threats and practicing self-censorship.

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

In August military investigators invited Justino Sa, a reporter for Radio Bombolom, for questioning over disparaging comments about the military. He had stated in a broadcast that the military had “more officers than enlisted men.” After several days of questioning, his case was turned over to the police for further investigation.

In April 2012 the junta shut down all private radio stations and the national television station for three days before allowing the stations to reopen with a warning not to criticize the military or the coup or report on protests. These threats continued for a month until the civilian government was installed.

Internet Freedom

There were no government restrictions on access to the internet or reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, 2.9 percent of the population used the internet in 2012. 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 generally respected these rights. Permits are required for all assemblies and demonstrations, and the conditions are generally reasonable.

c. Freedom of Religion

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

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

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

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

Senegalese refugees moved within the border region and back and forth over the border with Senegal, depending on the status of the armed conflict in Senegal's Casamance region. With ethnic and family ties on both sides of the poorly marked border, the nationality of residents along the border was not always clear.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees, although it was not active. The government did not grant refugee status or asylum during the year, and there were no known reports that asylum or refugee status was requested during the year. The UNHCR office in Bissau facilitated the issuance of refugee cards.

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

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

The constitution and law provide citizens with the right to change their government peacefully, but citizens' ability to exercise this right was often impeded by military intervention – as with the April 2012 coup – and by corruption and bribery within political parties.

Elections and Political Participation

Recent Elections: Following the January 2012 death of President Sanha, interim president Raimundo Pereira scheduled the first round of the presidential election, which was held in March 2012. Preparations were rushed and the electoral register was not fully updated, yet international observers characterized the polling process as generally free and fair despite protests from five opposition candidates that they had proof of fraud in the voter register and voter cards. In March PAIGC candidate and former prime minister Carlos Gomes Junior told the press that “he had decided to only win 49 percent of the vote” in the March 2012 election in order to force a run-off election.

The transition government presented a plan to political parties in July 2012 for preparing and holding legislative and presidential elections by the end of the transition period. Preparations stalled due to lack of international support and internal political will.

Participation of Women and Minorities: The 100-member National Assembly had 14 female members. Of the 33 senior members of the executive, four were female. In addition, approximately 10 percent of senior advisors also were women. In March 2012 the Women’s Political Platform convinced seven of the nine presidential candidates to sign a political declaration to push for women’s rights, including through municipal elections with female candidates, although no benchmarks were specified.

All ethnic groups were represented in the government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties of one month to 10 years in prison for official corruption; however, the government did not implement the law effectively, and officials in all branches and levels of government engaged in corrupt and nontransparent practices with impunity. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption was a severe problem.

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. 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 UNIOGBIS, the volume of

drugs transiting the country decreased during the year. The failure to interdict or investigate suspected narcotics traffickers contributed to the perception of government and military involvement in narcotics trafficking.

The Judicial Police is the leading force for investigating narcotics and arresting individuals. The attorney general is responsible for prosecuting such cases. Neither have the capacity or resources to carry out their responsibilities.

No progress was made during the year toward reducing corruption and increasing transparency. Corruption was endemic, and the government efforts were limited to combat the problem.

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

Whistleblower Protection: There are no laws specifically protecting whistleblowers, but laws exist to protect persons who give testimony in official venues from reprisals.

Financial Disclosure: Public officials are legally required to disclose their personal finances before the Court of Audits on entering and leaving office, but the court had no authority to enforce compliance. These declarations would be a matter of public record. No public officials have disclosed personal finances for at least the past seven years.

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

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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

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

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

Women

Rape and Domestic Violence: The law prohibits rape, including spousal rape, but government enforcement was limited. The rape law carries a penalty of two to six years in prison. The law was not effectively enforced. The law permits prosecution of rape only when the victim has reported it, which observers noted was rare due to the cultural stigmatization of rape victims. This problem was exacerbated in the Muslim eastern regions of Gabu and Bafata, where cultural practice dictated that problems be resolved within the family. There were no statistics available on the number of abusers who were prosecuted, convicted, or punished for rape, but the problem appeared to be persistent.

Domestic violence, including wife beating, was reportedly widespread. No law prohibits domestic violence. Although police intervened in domestic disputes if requested, the government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

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

Sexual Harassment: There is no law prohibiting sexual harassment, and it was reported to be widespread. The government took no initiatives to combat the 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. The UN Population Fund (UNFPA) reported that 98 of 114 health centers offered family planning services and that approximately 10 percent of women used contraception. The Roman Catholic Church and other religious groups discouraged condom use.

According to the UNFPA, the maternal mortality rate was 790 per 100,000 live births in 2010. The World Health Organization estimated in 2010 the lifetime risk of maternal death as one in 25. The major factors influencing maternal mortality were poor infrastructure and service delivery. The capacity of the health system was very low, including for obstetric care, and emergency obstetric care was available only in Bissau. Skilled health providers attended 78 percent of pregnant women; however, skilled health workers attended only 39 percent of live births.

Discrimination: The law treats men and women equally and prohibits discrimination, but discrimination against women was a problem, particularly in rural areas where traditional and Islamic laws were dominant. Women were responsible for most work on subsistence farms and reportedly experienced discrimination in employment and equal pay in wage labor and salaried positions, as well as in credit, and owning/managing businesses.

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

Children

Birth Registration: Citizenship is derived by birth within the country and from one's parents. Child registration does not occur automatically at hospitals. Parents must register their child's birth with a notary. The government conducts yearly campaigns to register children in the countryside, and the nongovernmental organization (NGO) Plan Guinea-Bissau conducts registration outreach in the Bafata and Gabu regions. The government also suspended collection of the fees for registration during the year in an effort to improve compliance. A UN Children's Fund (UNICEF) survey during the year estimated that 24 percent of children were registered before the age of five. Lack of registration resulted in the denial of education at schools at the secondary level, since school registration requires a birth certificate. However, this requirement was often waived for children in primary schools.

Child Abuse: Violence against children was widespread, but it was seldom reported to authorities. In March 2012 the Ministry of Justice signed a memorandum of agreement with the NGO Plan Guinea-Bissau to reinforce child protection and end violence against children. There were no further developments after the signing.

Forced and Early Marriage: The legal minimum age of marriage is 17. The UNFPA reported in 2010 that 22 percent of women ages 20-24 were married or in union before age 18. Child marriage occurred among all ethnic groups. Girls who fled arranged marriages often were trafficked into commercial sex. The buying and selling of child brides also reportedly occurred. There were no government efforts to mitigate the problem. Organizations such as the Millennium Development Goals Achievement Fund worked to provide legal, social, medical, and educational services to fight child marriage and protect its victims in some locations. A total of 144 communities in 2012, working with the NGO Tostan, publically declared their abandonment of child marriage. Tostan continued to implement its Community Empowerment program, discussing child marriage among other harmful traditional practices, in partnership with the government, UNICEF, UNFPA, and local NGOs.

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

In June 2012 the National Assembly passed a law prohibiting FGM/C, which calls for violators to be punished with a fine of up to five million CFA francs (\$10,000) and five years in prison. The law went into effect in July 2012. In October 2012 a group of Muslim preachers and scholars passed a declaration calling for the eradication of FGM/C. The UNFPA-UNICEF Joint Program on FGM/C worked with the Ministry of Justice to strengthen the dissemination and application of the law by building the capacities of officials responsible for its implementation. They also supported the Attorney General's Office, police, and the Child Protection Service with bringing to trial four women who had practiced FGM/C in Bissau and the eastern part of the country.

In November 2012 Ne di Ture was charged with performing FGM/C on a three-year-old girl, and at year's end Ne di Ture was awaiting trial. Fifty-four percent of

public health facilities integrated FGM/C prevention into prenatal, neonatal, and immunization services. The Ministry of Health validated and disseminated the Manual for Norms, Procedure, and Protocols on Reproductive Health in connection with FGM/C and also integrated FGM/C into two other key documents, the Strategic Plan for the Elimination of Obstetric Fistula and the Peer Educators' Manual on Reproductive Health.

Sexual Exploitation of Children: There are no explicit penalties for child prostitution, but there is a statutory rape law prohibiting sex with a person less than 16 years old. The rape law carries a penalty of two to six years in prison. There is no law against child pornography. When pedophilia and sexual harassment were reported, police scolded victims. Many families hid sexual abuse by a family member to avoid the shame of the community knowing that their child had been disgraced by a father or uncle. It was common for parents to give their child away to other family members or acquaintances who could provide better conditions and education for the child. Children in such situations often became more vulnerable to rape, abuse, and exploitation.

Displaced Children: The Child Protection Office of the Bissau Police Department estimated that 1,000 children were living on the streets of Bissau, with a growing number of boys engaged in gangs and petty crime. The government provided no services to street children.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel

and other transportation, access to health care, or other provisions of state services. There were no government efforts to mitigate discrimination against persons with disabilities or ensure their access to buildings, information, and communications. Some children with disabilities may have attended primary and perhaps secondary schools; higher education was not functioning during the year. Most children remained at home because schools rarely functioned. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs. Provisions existed to allow blind and illiterate voters to participate in the electoral process, but voters with intellectual disabilities could be restricted from voting.

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

There are no laws that criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender individuals. There were no reported violent incidents or other human rights abuses targeting individuals based on their sexual orientation or identity. There was no official discrimination based on sexual orientation or gender identity in employment or access to education and health care. However, according to government guidelines for civil servants' housing allowances, only heterosexual married couples were entitled to family-size housing, while same-sex couples received the single person allotment. Social taboos against homosexuality sometimes restricted freedom to express sexual orientation, yet society was relatively tolerant of consensual same-sex conduct, according to a 2010 study by the Pew Research Center.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law allows unions to conduct their activities without government interference; only trade union delegates are protected under union laws, while workers' rights to

free speech and assembly are protected by the constitution. The law prohibits employer antiunion discrimination against official trade union representatives. The law requires reinstatement of workers fired for union activity, but there were no reports of anyone being fired for union activity during the year.

The law provides for the right to strike. The only legal restriction on strike activity is a prior notice requirement. The law also prohibits retaliation against strikers and does not exclude any group of workers from relevant legal protections. Virtually every sector was on strike at some time throughout the year, typically for four to six weeks. The education, health, and public sectors held repeated strikes throughout the year.

The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues.

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

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

b. Prohibition of Forced or Compulsory Labor

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

There are no specific laws that protect children from hazardous occupations. The legal minimum age is 14 for general factory labor and 18 for heavy or dangerous labor, including labor in mines. Minors are prohibited from working overtime, but there were reports that such practices occurred. As in previous years, types of

forced child labor included domestic servitude, shoe shining, and selling food in urban streets.

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

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

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

d. Acceptable Conditions of Work

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

The law provides for a maximum 45-hour workweek. The law also provides for overtime pay, as long as overtime does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays. The law provides for paid annual holidays.

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