

# GUINEA-BISSAU 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Guinea-Bissau is a multi-party republic. It is ruled by a democratically elected government led by President Jose Mario Vaz of the African Party for the Independence of Guinea and Cape Verde (PAIGC), who took office on June 23 after an election judged to be free and fair by international observers. Vaz replaced a transitional president, Manuel Serifo Nhamadjo, who led a government brokered in 2012 by the Economic Community of West African States in the wake of a military coup that disrupted an electoral process before the second round of voting. The new government was consolidating its authority over the security forces, including dismissing the long-time chief of staff, Antonio Indjai, who was a force behind the 2012 coup.

Serious human rights abuses included arbitrary detention; official corruption exacerbated by government officials' impunity and suspected involvement in drug trafficking; and violence and discrimination against women and children.

Other human rights abuses included poor conditions of detention; lack of judicial independence and due process; interference with privacy; female genital mutilation/cutting; trafficking in persons; 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**

Unlike in the previous year, there were no reports the government or its agents committed arbitrary or unlawful killings.

On September 30, President Vaz pardoned six of nine soldiers convicted in a military court for the attack on a military base in 2012, which resulted in at least seven deaths. He did so, he said, as part of a process of "national reconciliation." The group members were sentenced to between three and eight years in prison for treasonous activities and other crimes.

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

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

In November 2013 unknown assailants--who could have been military personnel--beat Minister of State for Transportation and Telecommunications Orlando Viegas in his residence in Bissau. He was transported to Dakar, Senegal, for medical treatment. The case was pending with the Office of the Attorney General at year's end.

## **Prison and Detention Center Conditions**

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

Physical Conditions: At the end of 2013, 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. Prison administrators provided food to the prisoners in Mansoa and Bafata but not at the pretrial detention center in Bissau, where detainees had to rely on their families for food. In Bafata 8 percent of prisoners were pretrial detainees, and in Mansoa, 6 percent 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 inhuman 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 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, including individuals with whom they were involved in personal disputes.

#### **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, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crimes. The Public Order Police, under the Ministry of Interior, are responsible for preventive patrols, crowd control, and 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 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 received no training. Transit police often demanded bribes from vehicle drivers, whether or not their documents and vehicles were in order. 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. By year's end authorities had not prosecuted any of the 2009-12 killings of prominent persons or the 2010-12 corruption cases.

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 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. Authorities generally informed detainees of charges against them, although military detainees were not always 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. Civilian suspects were usually held under house arrest.

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 either in pretrial status or awaiting the conclusion of their trials, few 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**

Citizens have the right to a presumption of innocence, to be informed promptly of the charges, with free interpretation as necessary, to a fair trial, and to communicate with an attorney of choice or have one provided at court expense. The law 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 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.

Authorities generally respected these rights in the few cases that went to trial. Court-appointed attorneys, however, 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 2012 coup, the junta temporarily shut down radio and television stations. Once the stations resumed broadcasting, 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 the one state-owned printing house published all of them.

On August 5, the Bissau Criminal Court fined the editor of the weekly newspaper *Donos de Bola*, Pedro Mendes de Luca Carvalho, for defamation of President Vaz. He also received a suspended prison sentence of 14 months. Carvalho published an article in November 2013 accusing then attorney general Abdu Mane and Supreme Court Chief Justice Paulo Sanha of trying to block the presidential candidacy of Jose Mario Vaz, the PAIGC nominee who subsequently won the election.

### **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, 3.1 percent of the population used the internet in 2013. 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**

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**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 the country hosted more than 6,700 Senegalese refugees and asylum seekers; most were from the Senegal's Casamance region. 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 crossed back and forth over the border, depending on the status of the armed conflict in 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 reported requests for either. The UNHCR office in Bissau facilitated the issuance of refugee cards.

Durable Solutions: In 2011 the government announced that refugees living in the country 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 ability to change their government through free and fair elections, and in June citizens exercised this right through elections based on universal suffrage. In the past citizens' ability to exercise this right was often impeded by military intervention--as with the 2012 coup--and by corruption and bribery within political parties.

#### **Elections and Political Participation**

Recent Elections: The June elections and the subsequent transition to a democratically elected government under President Jose Mario Vaz and Prime Minister Domingos Simoes Pereira marked a return to rule of law. With strong support from the United Nations, the elections were considered by international observers to be free and fair with no credible indications of voter fraud. PAIGC candidate Vaz won a runoff with a decisive majority; the PAIGC also won a majority of seats in the National Assembly.

Participation of Women and Minorities: The 102-member National Assembly had 14 female members. Five of the 16 cabinet ministers were women, including the minister of defense.

All ethnic groups were represented in the government; however, ethnicity was not a significant factor outside the military.

### **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. 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 entity had the capacity or resources to carry out their responsibilities.

Police are mandated to fight corruption. They were, however, ineffective, poorly equipped, undertrained, and inadequately resourced, and they had no external assistance or support.

The government made few efforts to combat corruption or increase transparency.

The newly elected National Assembly held a three-day seminar in October on corruption and drug trafficking, led by the regional office of the UN Office on Drugs and Crime. The government had taken no follow up action by year's end.

Financial Disclosure: Public officials are legally required to disclose for public record their personal finances before the Court of Audits upon entering and leaving office. Nevertheless, the court has no authority to enforce compliance, and no penalties are specified for noncompliance. As in the past eight years, no public officials disclosed their personal finances during the year.

Public Access to Information: The law provides that “everyone has the right to information,” but authorities seldom provided such access. 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 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 the law.

### **Women**

Rape and Domestic Violence: The law prohibits rape, including spousal rape, and provides penalties of two to six years in prison; however, the government did not effectively enforce the law. The law permits prosecution of rape only when the victim has reported it, which observers noted was rare due to the cultural stigmatization and fear of retribution by rape victims. This problem was exacerbated in the predominantly Muslim and ethnically Fula eastern regions of Gabu and Bafata, where the culture dictates the resolution of such problems within the family. There were no statistics available on the number of abusers who were prosecuted, convicted, or punished for rape.

Domestic violence, including wife beating, was 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): A 2012 law prohibits FGM/C (see section 6, Children).

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 12 percent of women used

contraception. The Roman Catholic Church and other religious groups discouraged use of modern contraception.

According to UN estimates, the maternal mortality rate was 560 deaths per 100,000 live births in 2013, and the lifetime risk of maternal death was one in 36. The major factors influencing high maternal mortality were poor infrastructure and service delivery as well as high rates of adolescent pregnancy. The capacity of the health system was low, including for obstetric care, and emergency obstetric care was available only in Bissau. Emergency health care was available for the management of complications arising from abortion, but only in the city of Bissau, which housed both the functioning hospitals in the country. Skilled health providers attended 93 percent of pregnant women at least once during pregnancy; however, skilled health workers attended only 44 percent of live births.

Discrimination: Women have the same legal status and rights as men under the law, but discrimination against women was a problem, particularly in rural areas where traditional and Islamic laws dominated. Women experienced discrimination in employment and pay, as well as in obtaining credit and owning or managing businesses. Although urban women may manage land and inherit property, rural women in certain ethnic groups could do neither. Women were responsible for most work on subsistence farms.

## **Children**

Birth Registration: Citizenship is derived by birth within the country and from one's parents. Birth registration does not occur automatically at hospitals, and 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. Nevertheless, a UN Children's Fund (UNICEF) survey, released in 2013, estimated only 24 percent of children were registered before age five. Lack of registration resulted in denial of public services, including education, although authorities generally waived the requirement for a birth certificate at the primary school level.

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

Early and Forced 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. Working with the NGO Tostan, 144 communities in 2012 and early 2013 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, the UNFPA, and local NGOs.

Female Genital Mutilation/Cutting (FGM/C): In 2012 the National Assembly passed a law prohibiting FGM/C, making the practice punishable by a fine of up to five million CFA francs (\$9,470) and five years in prison; the law went into effect in July 2012. In October of the same year, 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.

On November 19, the government-run National Committee for the Abandonment of Harmful Practices announced it had filed a complaint against six persons for conducting FGM/C. The complaint was under investigation by the court at year's end.

Among certain ethnic groups, especially the Fula and Mandinka, FGM/C was performed on girls from as young as four months up to adolescence. According to a local NGO, more than 350,000 girls and women in the country were victims of FGM/C. UNICEF data for 2002-12 indicated that almost 50 percent of girls and women had undergone the procedure.

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 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 under age 16. 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 typically blamed victims. Many families hid sexual abuse within the family to avoid shame and stigma.

Parents who were poor often sent their children to live with other family members or acquaintances who could provide an education or better living conditions. Children in such situations often were 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. For country-specific information see [travel.state.gov/content/childabduction/english/country/GuineaBissau.html](http://travel.state.gov/content/childabduction/english/country/GuineaBissau.html).

### **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/rls/tiprpt/](http://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 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.

### **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, 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. 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.

## **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 trade unions without previous authorization.

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

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. 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 during 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, poorly equipped, undertrained, and inadequately resourced. It did not effectively enforce applicable laws, including remedies and penalties. Penalties for violations were insufficient to deter violations.

Workers and employers established most wages in bilateral negotiations.

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.

### **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. Resources, inspections, and remediation were inadequate, and penalties were insufficient to deter violations. There were reports that forced child labor occurred, including forced child begging, street work, and domestic service (see section 7.c.). The extent to which forced adult labor occurred was unclear.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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, but there were reports that such practices occurred. Forced child labor occurred in domestic servitude, shoe shining, and selling food in urban streets.

The small formal sector generally adhered to 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. Resources, inspections, and remediation were inadequate. Penalties for violations were insufficient to deter violations. 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/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law and regulations do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status.

Documented discrimination did not occur based on the above categories with respect to employment and occupation.

#### **e. 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 (\$36) 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 do so. Many persons worked under conditions that endangered their health and safety.