

# **GUINEA-BISSAU 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Guinea-Bissau is a multiparty republic. The country has endured prolonged political gridlock punctuated by periods of turmoil. In March 2019 the country held legislative elections, which included all 102 seats in the National Assembly. Presidential elections held in November 2019 resulted in two finalists: Domingos Simoes Pereira and Umaro Sissoco Embaló. The National Elections Commission declared Sissoco the winner of the December 2019 presidential runoff election. Sissoco assumed the presidency on February 27 after an unofficial inauguration and transfer of power from outgoing president Jose Mario Vaz, the first president to serve out a full term. President Sissoco appointed Nuno Gomes Nabiam as prime minister, and on March 3, Nabiam submitted a list of his preferred ministers to the president, who appointed them. Although international observers considered elections in the 2019 cycle to be free and fair, the Sissoco government used intimidation and arbitrary arrest to consolidate its power.

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 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 at times did not maintain control over the security forces, which committed some abuses in the aftermath of the 2020 elections.

Significant human rights issues included: cases of cruel, inhuman or degrading treatment; harsh and life-threatening prison conditions; arbitrary arrest and detention; serious problems with the independence of the judiciary; significant acts of corruption; lack of investigation of and accountability for crimes of violence against women and girls; trafficking in persons; and the worst forms of child labor.

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Members of the security forces committed some abuses. The government had mechanisms to investigate and punish officials who committed abuses, but impunity remained a serious problem. The government launched investigations into cases of alleged arbitrary detention, but no action was taken against perpetrators during the year.

### **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, but the number of instances of cruel or degrading treatment increased during the year.

On May 22, unknown assailants abducted a member of parliament, Marciano Indi, outside his residence. Indi is the deputy of the Assembly of the People United--Democratic Party (APU). His APU colleagues publicized the incident on social media and contacted the Economic Community of West African States (ECOWAS) and UN representatives in Bissau. He was detained for several hours before being found at a police station in Bissau with a head wound and other bruises. Indi had criticized President Sissoco and Prime Minister Nabiam in a televised interview the day before the assault.

In October members of the Public Order Police beat two members of the political party MADEM-G15, detained them in the prison facilities of the Ministry of

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Interior in Bissau, and released them soon thereafter. As of November the Ministry of Interior and the Prosecutor's Office reported that the case was under investigation. Political parties criticized the incident, and the local nongovernmental organization Human Rights League accused the Ministry of Interior of "state terrorism."

On July 20, the parliament approved the creation of a Parliamentary Investigation Committee to investigate incidents involving three Guinean citizens. Among the cases were the abduction of Marciano Indi and the 2019 death of the Party for Social Renewal's leader, Demba Balde. The committee was led by the African Party for the Independence of Guinea Cape Verde (PAIGC) and consists of a total of nine members of parliament.

### **Prison and Detention Center Conditions**

Prison conditions varied widely but were poor. 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 meager, 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 inhuman conditions, but the government took no action.

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

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### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but the government did not observe these prohibitions. Detainees may challenge the lawfulness of detention before a court through a regular appeals process and obtain prompt release as well as compensation if found to have been unlawfully detained. Arbitrary arrests by security forces increased during the year.

#### **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 were obligated to inform detainees of charges against them, but they did not always do so. 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:** Police arrested persons arbitrarily and detained them without due process. In May a member of parliament was arrested and severely beaten by public order police for allegedly having offended President Sissoco Embalo. He was released hours later the same day. In June public order police arrested Armando Correia Dias, leader of the PAIGC political party, for allegedly transporting weapons in his vehicle. According to a PAIGC member of parliament, police took an AK-47 weapon from their car, placed it in Dias' car, and then took him into custody. He was released days later following interventions by the United Nations and civil society after a hearing. In August public order police arrested the former state secretary of the treasury in his Bissau residence for the alleged illegal possession of a government vehicle. He was released two days later without charges.

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### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but the judiciary was subject to political manipulation. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. A lack of resources and infrastructure often delayed trials, and convictions were extremely rare. Authorities respected court orders, however.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, but the independent judiciary did not always enforce this right.

The court system did not often provide fair trials and corrupt judges 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.

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### **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, the government did not always respect this right. Since Sissoco's self-inauguration in late February, the United Nations and media watchdogs reported multiple acts of intimidation against media, including state-owned media outlets.

Government failure to investigate or prosecute attacks on human rights defenders and peaceful protesters led to de facto restrictions on freedom of expression, assembly, and association.

**Freedom of 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. Journalists working for state-owned media, however, did not operate freely, and internal censorship was common.

**Violence and Harassment:** The government took no steps to preserve the safety and independence of media or to prosecute individuals who threatened journalists. Intimidation and harassment of journalist and media outlets increased during the year. For example, after the Guinea-Bissau Television (TGB) did not broadcast Sissoco's unofficial inauguration in February, soldiers occupied both TGB and Nacional Broadcast Radio and prevented them from operating until new directors were appointed in March. In July armed men in uniform attacked the private radio station Radio Capital and destroyed equipment. The government and some international organizations such as ECOWAS and the African Union criticized the

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act, but the government took no steps to find those responsible, which contributed to a de facto restriction on freedom of speech.

**Censorship or Content Restrictions:** There were cases of censorship in public media. 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. President Sissoco announced on July 7 that intelligence services would use equipment acquired from abroad to begin monitoring citizen communications and “call to justice” anyone who insulted or defamed another resident of the country. As of December there was no evidence that government had begun monitoring citizen communications.

### **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**

The law provides for freedom of assembly and association, but the government did not consistently respect the law. Impunity for security forces contributed to an environment of intimidation that restricted freedom of assembly.

In October 2019 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’s investigation found that the body belonged to Demba Balde, leader of the Party for Social Renewal. The Parliamentary Investigation Committee continued investigating the case at year’s

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end.

In 2018 the Movement of Nonconforming Citizens filed a complaint against the government with the ECOWAS Community Court of Justice for violation of freedom of peaceful protest. The investigation continued as of year's end.

### **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. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government through the National Commission of Refugees 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, citing COVID-19 prevention measures. The UNHCR office in Bissau facilitated the issuance of refugee cards for all refugees who requested them.

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



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**Durable Solutions:** In 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 conformed with international agreements on migration and asylum. Most of these refugees were originally from Senegal's Casamance Region, with minorities from Liberia and Sierra Leone. UNHCR reported that as of September 2019, the country hosted 7,800 refugees. Until the process was suspended in March due to COVID-10 prevention measures, the government had issued official naturalization identification to 5,507 of these individuals.

### Section 3. Freedom to Participate in the Political Process

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

#### Elections and Political Participation

**Recent Elections:** The first round of the presidential election took place on November 24, 2019. The top two finishers from the first round, Domingos Simoes Pereira and Umaro Sissoco Embaló, met in a runoff election on December 29, 2019. The National Election Commission declared Sissoco the winner.

International observers characterized the election as free, fair, and transparent. The opposition party PAIGC launched an appeal, disputing the fairness and accuracy of the results. An institutional stalemate ensued, as the Supreme Court of Justice (SCJ) did not ratify the electoral results despite the National Election Commission declaring Sissoco the winner. Sissoco assumed the presidency on February 27 after an unofficial inauguration and transfer of power from the previous president Jose Mario Vaz. In support of Sissoco, the military temporarily took over all government institutions, the SCJ, and the national broadcast media. Sissoco appointed Nuno Gomes Nabiam prime minister. In March the prime minister named his new government, which consisted of 32 members including 19 ministers and 13 state secretaries. On April 22, ECOWAS recognized Sissoco as the winner of the 2019 presidential elections. In September the SCJ dismissed the PAIGC's appeal disputing the election results. The dismissal ended an eight-month long judicial process in which the opposition party's legal challenges had bounced

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between the SCJ and the National Elections Committee.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups 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 2019 legislative elections, no political party complied with the 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. In March 2020, Prime Minister Nuno Nabiam presented the list of the new government's cabinet members. The 32-member cabinet included seven women, including four ministers and three state secretaries.

### **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. For example, a Mexican citizen and a Bissau-Guinean remained at large despite having been convicted and sentenced to prison on January 7, reportedly because of assistance from members of the government. In September the Judicial Police arrested the former migration services director for interference in a drug raid in the International Airport Osvaldo Vieira in March. He was at home awaiting trial. Since taking office President Sissoco has dismissed two of the leading figures in the fight against drug trafficking, former minister of justice Rute Monteiro and Judicial Police director Filomena Mendes Lopes. Monteiro fled the country, citing death threats. Sissoco and other members of the government stated their desire to eliminate drug trafficking, but the government did not prosecute cases during the year.

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Some military and civilian authorities were also complicit in trafficking in illegally cut timber. In November the Judicial Police seized a large quantity of logs cut illegally in the country's national forest. The timber had been cut by a company in which Prime Minister Nuno Nabiam allegedly had financial interests. In December the Judicial Police requested that the Prosecutor's Office question the prime minister regarding his participation in illegal logging and sale of timber. The interior minister and National Guard commander were also reportedly under investigation. As of year's end, the Prosecutor's Office had not filed charges.

**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

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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, such 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.

In September the Judiciary Police arrested a 37-year-old man in Bafata on suspicion of sexual abuse of children younger than age 12. According to police, the suspect also allegedly impregnated one victim. The suspect was detained and presented to the Public Ministry for investigation.

In July parliament and the Guinean Human Right's League denounced an increase of reported cases of violence against women and children in the eastern and southern parts of the country, including the Bafata, Gabu, and Quinara Regions.

**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 (\$8,680) 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.

**Sexual Harassment:** No law prohibits sexual harassment, and it was widespread. The government undertook no initiatives to combat the problem.

**Reproductive Rights:** Although couples and individuals have the right to decide the number, spacing, and timing of their children and manage their reproductive health, free from discrimination, coercion, or violence, they often lacked the

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information and means to do so. The UN Population Fund reported that 114 health centers offered family planning services but that the availability of birth control services they offered varied from center to center. The 2018-2019 UNICEF Multiple Indicator Cluster Survey reported that 20.2 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. The Roman Catholic Church and other religious groups discouraged use of modern contraception.

The *World Health Statistics 2020* report estimated that skilled health personnel attended 45 percent of births and that 55.7 percent of women of reproductive age had access to modern methods of family planning. The health system's obstetric care capacity was insufficient, and emergency care was available only in Bissau. The adolescent birth rate was 103 per 1,000 girls between the ages of 15 and 19. There was no information on government assistance to victims of sexual assault.

According to UN estimates, the maternal mortality rate was 667 deaths per 100,000 live births in 2020, and the lifetime risk of maternal death was one in 160. Major factors causing high maternal mortality were poor health infrastructure and service delivery as well as high rates of adolescent pregnancy.

UNICEF statistics for 2020 reported that 52 percent of girls and women between the ages of 15 and 49 had undergone FGM/C causing maternal morbidity, including genital infections, urinary incontinence, increased infertility, and a high risk of contracting HIV and AIDS.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**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. 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. There were legal restrictions to women's employment in the same occupations and industries as men.

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### 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-age children frequently remained at home because schools opened only intermittently due to teacher strikes. From March to October, children remained at home because of the COVID-19 pandemic. Public schools did not offer remote classes.

**Child Abuse:** There are no laws regarding child abuse specifically. Violence against children was thought to be widespread but seldom reported to authorities.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 16 for both genders. Child, 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:** The minimum age for consensual sex is 18 for both boys and girls. A statutory rape law prohibits 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 that girls were victims of commercial sexual exploitation, including in sex tourism, in the isolated Bijagos Islands, and on mainland Guinea-Bissau in bars and hotels.

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

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**Displaced Children:** The national nongovernmental organization 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 during the year. The government worked with Senegal to return 158 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 voters with disabilities and illiterate voters to participate in the electoral process, but voters with proven severe intellectual disabilities could be prohibited from voting.

### Acts of Violence, Criminalization, and Other Abuses Based on

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### **Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation. Antidiscrimination laws do not apply to lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals. In July a man was attacked because of his sexual orientation, but he reportedly did not press charges due to fear of retaliation.

### **Section 7. Worker Rights**

#### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides the freedom to form and join independent unions without prior authorization. The law excludes the military and police and does not fully cover all other public-sector officials as well as agricultural workers, dock workers and workers in the informal economy.

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, health, and public sectors went on strike during 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



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were not commensurate with those for other laws involving denials of civil rights. 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 not commensurate with those for other serious crimes, but the government did not use these or other relevant laws to prosecute cases of forced labor. Forced child labor occurred (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 law prohibits all of the worst forms of child labor. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including labor in mines, but these prohibitions do not apply to work without a contract. Minors are prohibited from working overtime. The law prohibits children younger than age 18 from conducting heavy labor, 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 1997 adoption of the CFA franc and were not commensurate with those for other serious crimes. The government provided no services of any kind, besides inspections, and did not arrest or prosecute any violators.

Child labor occurred in farming, fishing, domestic work, and street work. Forced

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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. Commercial sexual exploitation of children also occurred (see section 6). The small formal sector generally adhered to minimum age requirements, although there were reports minors worked overtime despite the prohibition.

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 a nongovernmental organization survey, nine in 10 domestic workers were physically abused by their employers.

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 constitution provides for equality for all, but the law does 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 were less likely to be hired than men. There were legal restrictions to women's working hours and employment in occupations and tasks deemed dangerous, jobs in the mining industry, and other work considered detrimental to a woman's "genetic function." 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 different

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categories of work but continues to rely on a wage establishment mechanism that the International Labor Organization considers outdated. 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 approximately 80 percent of workers. The law provides for a maximum 45-hour workweek and provisions for overtime pay.

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 do not have the right to remove themselves from unsafe working conditions without jeopardizing their employment.

The Labor Ministry inspector general is responsible for enforcing the Labor Law but did not do so effectively. The number of labor inspectors was insufficient to detect and deter violations, and they lacked authority to carry out unannounced inspections and initiate sanctions. Wage and occupational 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 commensurate with those for similar crimes. Many persons worked under conditions that endangered their health and safety.

There is no official count of workplace accidents in the country, but numerous unofficial reports indicated the occurrence of workplace accidents. For example, in January, an employee lost his fingers while doing maintenance work. This case was reported to the inspector general of labor and was investigated.