

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

OVERVIEW OF CORRUPTION AND ANTI-CORRUPTION IN GUINEA-BISSAU

QUERY

Please provide an overview of corruption and anti-corruption in Guinea-Bissau, focusing in particular on the judiciary and public financial management.

PURPOSE

This will inform our programmes and activities in the country.

CONTENT

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SUMMARY

Guinea-Bissau has had a long history of political instability and misrule. No president has ever finished his term in office. Most recently, in 2012, a military coup deposed the government and the country was in a transitional state until elections took place in April and May 2014, and a head of state, President Jose Marino Vaz, was elected.

Corruption and lack of accountability are major problems in Guinea-Bissau, which is often referred to as a major African hub for drug trafficking. Related organised crime networks allegedly reach into the highest echelons of the political and military elite in the context of a lucrative drug trade that has taken root in Guinea-Bissau over the last 15 years.

The necessary legal and institutional anti-corruption framework is still largely missing in Guinea-Bissau. Despite good governance efforts in the past, the 2012 coup brought reforms to a standstill. As such, most of the information available relates to pre-2012 initiatives. These include improvements to the country's public financial management systems as well as some attempts to improve anti-money laundering legislation. However, weak governance continues to plague the country.



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1 OVERVIEW OF CORRUPTION IN GUINEA-BISSAU

Background

Guinea-Bissau is often described as one of the most fragile states in Africa. The former Portuguese colony in West Africa has suffered from a history of coups, misrule and political instability since it gained independence in 1974.

In April 2012, during national elections, soldiers toppled the government and a transitional government led by Manuel Serifo Nhamadjo was formed. Following the coup, the UN imposed travel bans on the coup leaders and key supporters and urged the military leadership to take immediate steps to restore and respect constitutional order, including holding elections (UN News Centre 2012). However, it was not until April-May 2014 that the transitional government held general elections and a new president, Jose Mario Vaz, was elected president.

Since drug trafficking took root in the early 2000s, Guinea-Bissau has become a major transit point for Latin American moving drugs to Europe (Posthumus 2014; Smoltczyk 2013). Guinea-Bissau is often referred to as Africa's first narco-state, where the government and military hierarchy are allegedly deeply implicated in the drug trade (Nossiter 2013). As such, there have been many reported cases of senior political and military figures involved in drug trafficking.

The aftermath of the 2012 coup made an already difficult economic situation – subsistence agriculture accounts for more than 80 per cent of the economy – even more perilous for Bissau-Guineans (Heritage Foundation 2014). Not only did its cashew nut industry – its most important export crop – experience a 50 per cent fall in exports (Africa Centre for Strategic Studies 2013), but most donors withdrew support from the country in response to the political crisis (African Economic Outlook 2014).

Guinea-Bissau also suffers from high levels of poverty and lack of development. It has one of the worst maternal and infant mortality rates in the world and a life expectancy at birth of less than 50 years (CIA World Factbook 2014). Despite some improvements since 2005, Guinea-Bissau's Human

Development Index¹ of 0.396 positions the country at 177 out of 187 countries.

Extent of corruption

Corruption and lack of accountability are central characteristics of the Bissau-Guinean economy, business sector and its political system. This is reflected in many international surveys and indices.

Guinea-Bissau ranked 163rd out of 175 countries surveyed in Transparency International's 2013 Corruption Perceptions Index (Transparency International 2013).

The country also scores lower than the African and the West African averages in the 2013 results of the Mo Ibrahim Foundation's [Index of African Governance](#). In the accountability category, Guinea-Bissau scores 17.5 per cent compared to the African average of 41.5 per cent. Guinea-Bissau's score of 34.7 per cent in the safety and rule of law category is also well below the continental average of 52.7 per cent. In addition, Guinea-Bissau experienced a sharp drop in the rule of law category, from 32.5 per cent in 2011 to 6.6 per cent in 2012.

Guinea-Bissau also gets low marks in the World Bank's compilation of [Worldwide Governance Indicators](#). In the voice and accountability section, Guinea-Bissau has been steadily dropping since 2005 from a percentile rank of around 35 per cent in 2005 to about 10 per cent in 2012. Its percentile rank on control of corruption is also at 10 per cent (World Bank 2013). In the government effectiveness category, Guinea-Bissau was at a 5 per cent percentile rank in 2004, improved to about 15 per cent between 2008 and 2011 but dropped once more to 10 per cent in 2012 (World Bank 2013). Its lowest percentile rank, however, is in the rule of law category, which has been steadily dropping since 2003 and is now at 2 per cent (World Bank 2013).

Guinea-Bissau also has a low ranking in the [Heritage Foundation Index of Economic Freedom](#). The country is categorised as "mostly unfree" and ranks 143rd out

¹ The Human Development Index is a summary measure for assessing human development in three dimensions: life expectancy, access to knowledge and a decent standard of living. The score ranges from zero (worst) to one (best).

of 178 assessed countries (Heritage Foundation 2014). Within Africa, it has a regional ranking of 33rd out of 46 (Heritage Foundation 2014). Although there have reportedly been some improvements in labour freedom and the management of government spending, Guinea-Bissau's score remains well below world and regional averages (Heritage Foundation 2014).

The business sector has also long been plagued with corruption. In the World Bank's 2006 [Enterprise Survey](#), 44 per cent of firms who responded to the World Bank's 2006 identified corruption as a major constraint to doing business (World Bank and IFC 2006). Today, in the 2014 [Doing Business](#) survey, which measures business regulation, Guinea-Bissau ranks 180 out of 189 assessed countries (World Bank and IFC 2013).

Forms of corruption

Petty and bureaucratic corruption

Petty and bureaucratic corruption is seen to be common in Guinea-Bissau (USAID 2009).

The 2006 Enterprise Survey in Guinea-Bissau revealed bribery rates that were above continental and worldwide averages. Indeed, 27.6 per cent of firms surveyed experienced at least one bribe payment request, compared to the continental average of 22.3 per cent and worldwide average of 17.4 per cent. Gift giving to secure government contracts was common with 48.9 per cent of firms reporting this kind of bribery compared to the Africa continental average of 31.1 per cent. In addition, nearly two-thirds of firms reported to be expected to give gifts to public officials to get things done. For manufacturing firms operating in Guinea-Bissau, it is estimated that the payment of bribes can reach up to 4.4 per cent of costs (Clarke 2008).

One set of reasons cited for these high levels of corruption are related to civil servant management and the payment of salaries. Ferreira (2004) argues that the public sector experienced considerable expansion and centralisation after independence from Portugal, yet few incentives and little training were offered to the civil servants. Moreover, the government often struggles to pay civil servant wages (Omorie 2010).

Problems paying salaries has also led to strikes and protests. For example, in 2008, in protest of the government's inability to pay several months of salary, nearly 95 per cent of public sector workers across the country participated in a series of strikes (Ori 2008).

The payment of salaries is such a challenge to Guinea-Bissau that many donors have in the past had to support the country in that respect. Most recently, in July 2014, The Central Bank of West African States announced a loan of €22.8 million (US\$30.5 million) to pay delayed salaries to Bissau-Guinean civil servants (MacauHub 2014).

Grand forms of corruption and impunity

Weak governance, a weakening economy and rampant poverty have created an environment conducive to corruption on a grand scale.

Competition for the office of the president has been a major driver and marker of the instability throughout Guinea-Bissau's history. In fact, no elected president has ever completed a term in office. The disproportionate concentration of authority and power that resides in the presidential position has made this office particularly attractive (Africa Centre for Strategic Studies 2013). Individuals associated with the president gain access to financial opportunities and career advances unavailable to the general population (Africa Centre for Strategic Studies 2013).

The situation is aggravated by a sense of impunity. In the past, human rights organisations like Amnesty International have repeatedly condemned the killings of politicians and high-ranking military officers, acts that have raised concerns about the alleged impunity of government elites (Amnesty International 2012).

Transnational crime

In recent years, as managing patronage networks and dispensing material benefits to allies has become increasingly difficult amid minimal economic growth, other opportunities for revenue generation, such as engaging in illicit trafficking, have become increasingly attractive for segments of the Bissau-Guinean military and political elites (Africa Center for Strategic Studies 2013). Media reports and studies indicate that trafficking networks have co-opted key

political and military leaders and transformed Guinea-Bissau into a centre for illicit commerce, ranging from the arms trade to the multi-billion dollar trade in cocaine (Hoffman 2013).

As a 2013 study by the Africa Centre for Strategic Studies explains, through the drug trade, some senior officials have been able to “amass unprecedented wealth and influence, making them less beholden to the constraints of their offices, other institutions, or the political system. Their decisions are opportunistic, based on personal interests, and arbitrary.” The paper goes on to argue that the political involvement in drug trafficking “transcends previous patterns of corruption and patronage in Guinea-Bissau, which required a certain degree of inter-elite or cross-institutional support. Drug trafficking has provided both the means and motive to sidestep the state ... It has weakened the state as a whole, from the inside and out...”

Some examples help illustrate this extent of corruption. For example, a high-ranking official who twice held the position of head of the navy, and a chief of staff of the air force, served in these top military positions despite being sanctioned as drug traffickers by the US government in April 2010 (Africa Centre for Strategic Studies 2013). The head of the navy, for example, was arrested in April 2013 in international waters by US authorities following a seven-month drug sting operation (Africa Centre for Strategic Studies 2013). He was recorded on multiple occasions agreeing to facilitate the shipment of four tons of cocaine into Guinea-Bissau and, eventually, into the United States and Europe at a commission of US\$1 million per ton (Africa Centre for Strategic Studies 2013).

In a different case, in 2013, a federal grand jury in the US indicted the head of the Bissau-Guinean armed forces on cocaine and weapons trafficking charges (Nossiter 2013). According to the indictment, the official told informants for US authorities who were posing as rebels from Colombia that he was willing to store tons of cocaine and ship it to the US (Nossiter 2013).

The involvement of senior political and military figures in the drug trade triggered strong responses from the international community. In February 2012, for example, the EU partially suspended

development aid and threatened to freeze assets and impose visa bans on several officials suspected of involvement in drug trafficking and of threatening peace, security and stability (Amnesty International 2012).

Sectors affected by corruption

Public financial management

There is limited publicly available and up to date information about the extent of corruption and mismanagement in public financial management in Guinea-Bissau. Most of the studies are dated. For example, the most recent available Public Expenditure and Financial Accountability (PEFA) assessment dates from [2008 \(in French\)](#).

Nonetheless, donor reports highlight that public financial management reform is crucial in Guinea-Bissau. Guinea-Bissau's [revised national Poverty Reduction Strategy Paper](#)² (PRSP or DENARP in Portuguese) highlights the critical need to improve efficiency in the public administration, notably by improving mechanisms for economic and financial management of public resources (IMF 2007).

Despite some improvements from 2008 to 2011, corruption still manifests itself in the workings of the public services when the systems for monitoring the use of public finances can be bypassed (IMF 2011). Reports highlight the necessity to create greater transparency of fiscal operations, predictability and control of budget execution and alignment of national strategies and policies, external controls of public spending (African Development Bank 2011). There are also significant weaknesses in public procurement. The IMF notes that Guinea-Bissau needs to better manage public tenders to create greater transparency and needs more consistency in the awarding of contracts (IMF 2011).

The issues that emerge in Guinea-Bissau are similar to those in other African countries. As observed by the World Bank and experts gathered in the framework of the Collaborative Africa Budget Reform Initiative (CABRI), there are critical challenges to

²PRSPs are documents required by the IMF and World Bank before a country can be considered for debt relief and to receive aid from most major donors.

good public financial governance and budget transparency in many African countries. A 2011 CABRI study notes that public financial management in Africa is plagued by deficient political will to adhere to constitutional frameworks, tax and budget management and transparency laws and stated rules and procedures (CABRI 2011). Moreover, technical and managerial capacity shortfalls threaten good financial governance (CABRI 2011). As such, CABRI argues that transparency, accountability, institution building, results-oriented approaches, balancing reforms and capacity growth and autonomy in reform choices are needed to improve financial governance (CABRI 2011).

Supreme Audit Institutions (SAIs) are seen to be particularly vulnerable in certain francophone and lusophone African countries including Guinea-Bissau (CABRI 2011). Some of the major problems found in these countries are: absence of a formalised code of ethics for staff; lacking adequate numbers of external auditors; weak quality control systems; limited computerisation; and SAIs that do not have the mandate or ability to freely follow up on previous recommendations (CABRI 2011). Audit reports from these countries are found to be weak in that they are issued more than 24 months after the year end, do not comply with international auditing standards, and are made public only after being cleared of sensitive findings (CABRI 2011).

Judiciary

The judiciary in Guinea-Bissau faces numerous problems. The precarious living and working conditions, high costs of access to justice for the poor and the lack of respect for professional ethics explains why there is public distrust in the judicial system and courts are seldom used to settle disputes (IMF 2011). Shortages in resources and training as well as inadequate remuneration are seen to undermine the judiciary's functioning (Freedom House 2014; Ferreira 2004).

The judiciary's lack of independence vis-à-vis the executive and political pressure is also highlighted. According to analysts, the judiciary does not investigate or prosecute corruption cases (Freedom House 2014). There are allegedly no resources to conduct criminal investigations and few formal detention facilities (Freedom House 2014). A 2014

assessment by the US Department of State noted that there had not been a single case of money laundering prosecuted or convicted (US Department of State 2014). Moreover, in March 2012, the former Procurator General announced that investigations into the killings of President João Bernardo Vieira and the Chief of Staff of the Armed Forces, General Tagme Na Waie, had reached a dead end because of difficulties in gathering evidence (Amnesty International 2013). While there have been some drug busts in the past as well as arrests of military figures, prosecutions have typically failed in court (African Centre for Strategic Studies 2013).

Concerns with the judiciary are not new. Corruption in the court system is a major constraint to doing business, according to 25.2 per cent of firms who responded to the World Bank's 2006 Enterprise Survey. In 2001, Amnesty International published a report entitled [Guinea-Bissau: Judiciary under attack](#) on what it deemed to be political attacks by the then-president on the independence of the judiciary. Specifically, following the dismissal of Supreme Court judges and other officials, Amnesty International argued that reports indicate that these dismissals may have been related to judicial decisions which apparently displeased the authorities. The organisation expressed concern that this constitutes an attack on the judiciary's ability to try cases before them fairly and impartially (Amnesty International 2001).

Security and law enforcement

As with the judiciary, security and law enforcement is seen to be vulnerable to corruption and political meddling.

Overall, police and emergency personnel are believed to be poorly trained and lack the resources to respond to crime and emergency situations (OSAC 2014). Inadequate remuneration of police members and correctional service employees can create an environment conducive to corruption (Ferreira 2004). There have been many reports in the past of criminality and abuse among Bissau-Guinean security forces (African Centre for Strategic Studies 2013). Moreover, there have been reports of senior officials intervening in police investigations to release prisoners and confiscate cocaine (African Centre for Strategic Studies 2013).

In addition, security forces entrusted with enforcing the rule of law include numerous and overlapping services with conflicting missions (UN 2008). The lack of appropriate legal and regulatory frameworks and specific laws determining competencies and jurisdictions fuels institutional conflicts, particularly in matters of criminal investigation and procedure (UN 2008).

Moreover, the limited capacity of the sector results in the lack of effective civilian oversight, which threatens the political process and the functioning of state institutions (Freedom House 2014). This weak capacity contributes to a persistent culture of impunity, lack of accountability and insecurity (Freedom House 2014).

2 OVERVIEW OF ANTI-CORRUPTION EFFORTS

Overview

Overall, there is limited publicly available information regarding Guinea-Bissau's anti-corruption efforts. Moreover, following the military coup in 2012, many of the reforms initiated by previous governments were brought to a standstill, and it is believed that not much has changed over the past two years (African Economic Outlook 2014). As such, the information provided here is primarily based on the efforts and commitments of pre-2012 governments which may become outdated as the newly elected government initiates its own efforts (which are still unclear).

As an overview, Guinea-Bissau's 2011 PRSP presents a summary of the government's envisaged anti-corruption efforts (IMF 2011):

- (i) strengthening policymaking and strategic planning
- (ii) reform of the legal and institutional framework of the planning system
- (iii) introduction of an ongoing mechanism of collaboration with development partners to improve management and coordination of international aid
- (iv) reorganisation and strengthening of the national statistical system
- (v) reorganisation and strengthening of the Court of Auditors and the Office for the Fight against Corruption
- (vi) training of members of the People's National Assembly in the field of public finance management
- (vii) improvement of the economic and financial management mechanisms across all public administration institutions

However, the information on the status of these reforms is limited, and it is unclear to what extent the current government is pursuing them.

Legal framework

Many of the reforms that were implemented prior to 2012 came to a halt after the coup. There have not been notable improvements in the last two years. Even before the coup, reports and studies showed that there were many areas in need of improvement to ensure that Guinea-Bissau has adequate legislative safeguards against corruption.

On a positive note, Guinea-Bissau [ratified](#) the UN Convention Against Corruption in 2007; is a [state party](#) to the African Union's Convention on Corruption; and [ratified](#) the UN Convention against Transnational Organised Crime.

However, there are no laws guaranteeing the right to access information (Freedom House 2013). Moreover, some have criticised the level of power and authority given to the Office of the President under the [constitution](#). Powers include the ability to appoint and dismiss the prime minister, head of the armed forces, attorney general and other ministers; create new government ministries and offices; swear in judges; and issue certain decrees and laws (Africa Centre for Strategic Studies 2013). As such, the Africa Centre for Strategic Studies provided in 2013 a list of legislative recommendations the country should carry out in order to have a functioning system of checks and balances. They include:

- endow a prime minister with more executive authorities
- specify limited authority of the president to make appointments at the national, regional and local levels
- reinforce parliament's role in approving budgets and monitoring spending
- grant more authority and autonomy for the office of the attorney general, courts system,

anti-corruption commission and human rights commission

- build a merit-based civil service

Measures related to public financial management

According to reports by the IMF, Guinea-Bissau has undertaken some efforts to improve and modernise its public financial management.

In 2009 and 2010, the government adopted an Organic Law for Budgeting and a Public Accounting Decree, which together define the legal framework of the new public financial management system. The government also passed complementary legislation regulating the role of the different government entities responsible for budget formulation, execution and oversight (IMF 2010). The IMF (2010) report also notes the introduction of the Integrated System for Public Financial Management (SIGFIP), an IT tool to enhance the efficiency and security of budget transactions. The transition to this new public expenditure management system suffered significant delays due to political instability (IMF 2010) but has been noted to have helped tighten expenditure control (IMF 2013).

Under the new laws, every programme in every ministry and institution will be required to prepare annual programme budgets and regular progress reports, to be submitted to parliament (IMF 2011). Moreover, the government committed to strengthen revenue mobilisation through tax reforms by, *inter alia*, broadening the tax base and streamlining tax and customs exemptions (IMF 2011).

In 2009, Guinea-Bissau overhauled its procurement system in line with the West African Economic Monetary Union guidelines (IMF 2010). It covers the entire administration and includes the passing of a new procurement law in April 2010, the creation of a new regulatory authority and the centralisation of government purchases through the creation of a central unit of public procurement (IMF 2010). In addition, an audit unit has been created to vet the procurement transactions processed by the central unit (IMF 2010).

Given the size of the wage bill, in 2011 Guinea-Bissau also adopted an action plan aimed at

reducing the number of civil servants, boosting their qualifications and improving their working conditions (African Economic Outlook 2014). These measures included requiring all workers beyond the age of retirement to retire, moving redundant workers from into the private sector and revising the pay scale in order to reduce flagrant inequalities (African Economic Outlook 2014). However, following the 2012 coup, these reforms were put on hold (African Economic Outlook 2014).

According to the IMF, the areas of improvement that development partners are focusing on in their technical assistance for 2013-2014 are: enhancing budget preparation and control in budget execution, strengthening accounting, recording and report procedures and reinforcing internal and external controls (IMF 2013). A 2011 IMF report also highlights the need to have adequate financial management and control mechanisms at the local level and to improve the transparency and accountability of local elected officials (IMF 2011).

Measures on money laundering and security

According to the [Inter-Government Action Group Against Money Laundering in West Africa](#) (GIABA), the implementation of Anti-Money Laundering/Counter Financing of Terrorism (AML/CFT) and Customer Due Diligence (CDD) measures in Guinea-Bissau is very weak. GIABA notes that Guinea-Bissau seems to have made no progress since the discussions of the country's third follow-up report in May 2012 (GIABA 2012).

In the initial 2008 evaluation of Guinea-Bissau's AML/CFT measures, the country was assessed to be non-compliant on a wide range of AML/CFT measures – a total of 34 out of 49 Financial Action Task Force (FATF) recommendations. They range from implementing due diligence processes, adequate treatment of politically exposed persons, improvements to the financial intelligence unit, mechanisms to address beneficial owners, to criminalising of funding terrorism.

The assessment found that the country is partially compliant with 12 FATF recommendations, meaning that these areas also still have significant shortcomings. For example, while Guinea-Bissau does have some legislation on criminalising money

laundering in its criminal code, the report notes that not all conduct that should be considered subagent offences of money laundering are criminalised and that the legislation has limitations in applicability and was not duly implemented into the legal system (GIABA 2011).

A follow-up GIABA report from 2011 indicates that Guinea-Bissau is reviewing some of its main legal instruments in order to cover a wider range of offenses (GIABA 2011). But a 2014 assessment by the US Department of State reveals that many of these reforms have not yet been implemented. For example, the Uniform Act on the Fight against Money Laundering and the Funding of Terrorism is still awaiting publication and thus is not yet in force (US Department of State 2014).

Lastly, efforts are being undertaken both at bilateral and multilateral levels to support Guinea-Bissau in carrying out a reform of the security and defence sector (UN 2008). According to reports in 2008, the government was then carrying out considerable efforts to address the challenge of strengthening the rule of law (UN 2008). It started implementation of reforms through the Government SSR Programme 2007-2012 and to combat drug trafficking and organised crime through the Government Antinarcotics Operational Plan 2007-2010 (UN 2008). However, the implementation of these programmes was stalled due to political instability (IMF 2013).

Institutional framework

There is limited up to date publicly available information on the institutional framework in Guinea-Bissau. For example, the last comprehensive [Public Administration Country Profile](#) by the World Bank is from 2004. The list below summarises some of the institutions mentioned in past reports but it is unclear to what extent they are currently operational.

Committee Against Corruption

A Committee Against Corruption was created in 1995 to prevent and denounce acts of corruption within the administration (IAACA 2012). It is government sponsored and responsible for monitoring and carrying out anti-corruption activities in the government and other spheres in Guinea-Bissau (IAACA 2012). It is made up of three inspector

lawyers and judges of formation and is attached to the National Assembly. However, there is no further information about it available online.

Financial Intelligence Unit

Guinea-Bissau's Financial Intelligence Unit was installed with the assistance of GIABA and the UN Office on Drugs and Crime (UNODC) (GIABA 2012). However, it has limited financial resources which prevents it from fully exercising its functions. According to GIABA, in 2012 only one suspicious transaction report was referred to the Ministry of Justice, and there is no information on what happened to that report (GIABA 2012).

According to a 2014 assessment by the US Department of State, the Financial Intelligence Unit is only partially functional, in part owing to a lack of reliable resources and analytical staff (US Department of State 2014). Nevertheless, there have been some recent reports of activity. In 2013, Guinea-Bissau's FIU responded to a request for information from another FIU in the region, conducted numerous sensitisation and capacity building programs for key stakeholders and secured new and more suitable office space. (US Department of State 2014).

Procurement bodies

As part of its 2009 overhaul of its procurement system, Guinea-Bissau established a new procurement infrastructure, in line with recommendations by the West African Economic Monetary Union guidelines. This includes (IMF 2010):

- the *Autoridade Regulatória de Concursos Públicos* (Procurement Regulatory Authority) which is comprised of representatives from the public and private sector, as well as civil society (IMF 2010) and serves as an appellate mechanism for dealing with complaints by contract bidders
- the *Unidade Central de Compras Públicas* (Central Procurement Unit) which is charged with determining the requirements of line ministries, overseeing the bidding process and making purchases
- the *Diretoria Geral de Compras Públicas* (General Procurement Directorate) which is

located at the Ministry of Finance and is tasked with oversight and responsibility for the auditing of public procurement transitions

However, an up to date assessment of these institutions could not be found.

Supreme Audit Institution

The *Tribunal de Contas* (Court of Accounts) serves as the supreme audit institution in Guinea-Bissau that supports parliament. Strengthening its financial control and external control had been part of the government's reforms since 2006 (IMF 2007). The Ministry of Finance is tasked with providing the court with an Annual Statement of Accounts (IMF 2010). More information on its performance and function could not be found.

Judiciary

As mentioned, the judicial sector in Guinea-Bissau suffers from a series of problems and weaknesses.

A 2008 UN background paper notes there is only one magistrate court for adjudicating criminal cases for the entire country which hampers the observation of deadlines for preventive detection of arrested persons and suspects (UN 2008). In addition, the Office of the Prosecutor General, guarantor of due legal process and repository of state prosecution powers, encounters difficulties in carrying out its ascribed duties and responsibilities owing to a lack of adequate material and human resources and political interference (UN 2008).

Nevertheless, the government of Guinea-Bissau has made the improvement of the judiciary a priority (IMF 2011). In fact, the government introduced a new national policy for 2010-2015. Reforms were meant to focus on (IMF 2011):

- (i) revising the legal and institutional framework of the sector to further clarify the roles and responsibilities of different participants
- (ii) rehabilitating and building adequate infrastructure and providing courts with the necessary human resources to turn them into a modern judicial system accessible to the population
- (iii) establishing an adequate prison system by introducing an appropriate legislative and institutional framework including infrastructure and personnel needed for its effective operation
- (iv) revising the different codes (including criminal and civil) in order to adapt them to ratified conventions, charters and resolutions
- (v) developing skills of justice personnel to ensure proper administration of justice. To this end, participants in the judicial system will receive training on national, regional, and international legal instruments, including those related to human rights
- (vi) adapting the judicial system to the national context, particularly by taking into account the traditional system of conflict resolution, the population's low level of education and the difficulties vulnerable people face in getting access to justice. In the same vein, there will be a need to adapt the judicial system to meet the current challenges, namely, the fight against corruption, drug trafficking and organized crime
- (vii) developing a training partnership with national and international institutions to train future judges, prosecutors, lawyers and other legal professionals

However, there is limited information on the status of these reforms.

"Fight Against Transnational Crime" Unit

The 2011 GIABA report notes that a so-called Unit of Fight against Transnational Crime was created in Guinea-Bissau through a Memorandum of Understanding that ensures the communication between law enforcement entities in combating transnational crime (GIABA 2011). However, more information on its current status could not be found.

Other stakeholders

Media

Freedom of expression and the press are guaranteed in the 1993 constitution and a 2005 law (Freedom House 2013). Indeed, a report by the Africa Centre

for Strategic Studies from 2013 argues that Guinea-Bissau's media has in the past been relatively lively and independent. However, these rights are restricted in practice due to the existence of criminal laws banning libel, abuses of press freedom and violation of state secrets (Freedom House 2013).

As such, Guinea-Bissau ranks 86 out of 180 assessed countries in Reporters Without Borders' 2014 [World Press Freedom Index](#). While there have been slight improvements in its ranking since 2013, it still scores low on the index.

Members of the media are increasingly under pressure and face intimidation (Africa Centre for Strategic Studies 2013). In 2011, for example, freedom of expression came under threat as a newspaper, the *Última Hora*, was ordered to close after it published an article quoting excerpts from an unpublished report which apparently implicated the navy's then-chief of staff in the killing of President Vieira (Amnesty International 2012). Following widespread condemnation by civil society groups, the government denied it had ordered the newspaper to close (Amnesty International 2012). However, it warned all newspapers to be prudent with their reporting or face losing their licences (Amnesty International 2012).

Civil society

Freedom House gives Guinea-Bissau a score of 5 out of 12 achievable points in the category of associational and organisational rights (Freedom House 2014). Civil society organisations were subject to harassment following the 2012 coup, but many were nonetheless vocal in their opposition to the transitional government, human rights abuses and increased economic and social insecurity (Freedom House 2014). For example, just after the coup, a group of civil society organisations issued a statement criticising the "deprivation of political and civil rights in Guinea-Bissau (including the right of information, expression and demonstration) and ongoing political persecutions" which "generate[e] a climate of suspicion and fear" and called for a series of measures to be taken to uphold the rule of law and civil rights (Pambazuka News 2012).

The right to strike is protected and civil servants have exercised this right when protesting salary delays (Freedom House 2014).

The African Centre for Strategic Studies (2013) says that there are several prominent watchdog and civil society groups in Guinea-Bissau. For example, the Bissau-Guinean League for Human Rights has been operating since the mid-1990s and its leadership has explicitly criticised government leaders and institutions for subverting the rule of law and human rights (African Centre for Strategic Studies 2013). The group has issued detailed reports analysing human rights abuses and trends in the country (African Centre for Strategic Studies 2013). The Law Society of Guinea-Bissau has likewise publicly criticised actions by the armed forces as well as official corruption and manipulation of legal proceedings (African Centre for Strategic Studies 2013).

Another civil society group, *Mom ku Mom* (Hand in Hand), has run a civil-military dialogue project since August 2009 which facilitates exchanges between current and former military officers, representatives of civil society groups and victims of military abuses (African Centre for Strategic Studies 2013).

Other civil society groups have worked to improve access to and participation in local government as well as provide technology and media training (African Centre for Strategic Studies 2013).

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