

Guinea-Bissau 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Guinea-Bissau during the year.

Significant human rights issues included credible reports of: torture or cruel, inhuman or degrading treatment by the government; harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, child, early, and forced marriage, and female genital mutilation/cutting; and trafficking in persons, including forced labor.

The government did not take credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

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, including extrajudicial killings, during the year.

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, and Other Related Abuses

The constitution and law prohibited such practices, but the nongovernmental organization (NGO) Guinea-Bissau Human Rights League (GBHRL) reported at least 25 persons were subjected to torture or arbitrary physical abuse while detained, with two of these cases resulting in serious injuries that required hospitalization. According to the GBHRL, none of the individuals responsible for these acts was punished.

While there were mechanisms in place to investigate and prosecute reports of human rights abuses, the GBHRL alleged the public prosecutor's office permitted a culture of impunity to exist in the country, including in the security forces and national police.

Prison and Detention Center Conditions

Prison conditions varied widely but were generally poor due to shortages of food and potable water, gross overcrowding, and inadequate sanitary conditions.

Abusive Physical Conditions: The GBHRL reported many detention centers in the country were severely overcrowded and had insufficient ventilation, little lighting, and clogged septic tanks. Prisoners lacked potable or running water and access to medical treatment. Nutrition was meager; at the pretrial detention center in Bissau, detainees relied on their families for food. In August, three detention centers reportedly stopped serving meals to inmates for one week due to a strike by the centers' food supplier. Prisoners were reported to rely on delivery of food from family members and charity organizations. The GBHRL called for the closure of a facility run by the Judicial Police's Second Squadron, alleging it was in a state of "total ruin."

Administration: There was no prison ombudsperson to respond to prisoners' complaints or independent authorities to investigate credible allegations of inhuman conditions.

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

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention, and the government observed these prohibitions. Detainees could challenge the lawfulness of detention before a court through an appeals process and

obtain prompt release as well as compensation if found to have been unlawfully detained.

Arrest Procedures and Treatment of Detainees

The law required arrest warrants, although warrantless arrests occurred, particularly of immigrants suspected of crimes. By law detainees were required to be brought before a magistrate within 48 hours of arrest and released if no indictment was 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 provided for the right to counsel at state expense for indigent clients; lawyers did not receive compensation for 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 often held civilian suspects under house arrest.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, but the government did not respect judicial independence and the judiciary was subject to political manipulation. Observers reported that judges were inadequately trained, irregularly paid, and subject to corruption. A lack of resources and infrastructure often delayed trials, and convictions were rare. Authorities generally respected court orders.

Trial Procedures

The law provided for the right to a fair and public trial, but the 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. Defendants generally had adequate time and facilities to prepare a defense, but most cases never came to trial.

On September 21, the GBHRL called for the persons detained following an armed February 2022 attack on the government's administrative center in Bissau to be conditionally released pending trial, stating the suspects had been held in detention without a fair public trial for more than a year.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family,

Home, or Correspondence

The constitution and law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of speech, including for members of the press and other media, and NGOs and media watchdogs reported that the government generally respected this right.

Violence and Harassment: On December 4, members of the military occupied radio and television stations in Bissau for approximately 48 hours. Although the government claimed the move was in response to a potential coup attempt, journalists alleged it was done to intimidate them and prevent the reporting of news regarding political events.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: On August 15, newly installed Secretary of State for Social Communication Muniro Conté ordered the reopening of private radio station Capital FM, closed by government order since October 2022 on the grounds the station had failed to pay a mandatory broadcasting

license fee. The station contended it had been targeted for censorship and closure because it provided a platform to government critics.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful 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 <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

The government, through the National Coordinator for the Assistance of Refugees and Displaced Persons (CNRD), cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and provided protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for granting of asylum or refugee status. UNHCR closed its office in the country in early 2022, so the CNRD was responsible for issuing and renewing refugee cards as well as providing all refugee assistance. The CNRD had limited capacity to identify asylum seekers and individuals in need of protection, or to conduct refugee status determination for asylum seekers.

Durable Solutions: The country continued to host thousands of persons who migrated from Senegal's Casamance region in recent decades. Many of them maintained ethnic and family ties in both countries and traveled frequently across the often-unmarked international border, rendering the nationality and status of many individuals in the area unclear. Following a years-long naturalization campaign, UNHCR reported fewer than 100 unassimilated refugees lived in the country.

Section 3. Freedom to Participate in the Political

Process

The law provided 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

Abuses or Irregularities in Recent Elections: National elections, last conducted in June's parliamentary polling, were widely reported to be fair and free of abuses and irregularities. Some opposition parties, however, claimed government-backed security personnel prevented them from campaigning freely and traveling to meet with supporters in the period prior to elections.

Political Parties and Political Participation: Parties were at times restricted in their ability to operate freely. On May 5, the residence of Fransual Dias, a political analyst and member of the opposition Social Renewal Party, was attacked by unknown assailants and his vehicle set on fire. Dias claimed in media the attack was politically motivated to intimidate him by persons aligned with the president. No one was injured in the attack, according to media reports. On December 6, armed forces occupied the headquarters of an opposition party, the African Party for the Independence of Guinea and Cape Verde, expelled gathered members, and blocked re-entry into the building.

Participation of Women and Members of Marginalized or Vulnerable

Groups: Although women occupied some senior roles in the government, observers believed views regarding traditional gender roles in some parts of the country, particularly in rural areas, limited women's political participation.

Section 4. Corruption in Government

The law provided criminal penalties of one month to 10 years in prison for acts of corruption by officials. In most cases 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. There were numerous reports of government corruption.

Corruption: While mechanisms were in place to investigate and prosecute reports of corruption, the GBHRL alleged the government permitted a culture of impunity to exist, with occasional exceptions. On December 1, Finance Minister Suleimane Seidi was removed from his post and taken into custody for allegedly using public funds to pay the debts of politically well-connected private companies. Seidi remained in custody awaiting trial at year's end. Media sources and NGOs alleged that members of the military and civilian administration trafficked in narcotics and assisted international drug cartels by providing access to the country and its transportation infrastructure. Antonio Indjai, the former head of the armed forces,

continued to circulate freely in the country. A fugitive still subject to a 2012 UN travel ban for his involvement in a successful 2012 coup d'état, Indjai reportedly retained influence within the military.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were somewhat cooperative and responsive to the views of these groups.

Government Human Rights Bodies: The National Commission on Human Rights, a government human rights organization, was independent but observers regarded it as ineffective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibited rape of women and men, including spousal rape, and provided penalties for conviction of two to 12 years in prison; however, the government did not always effectively enforce the law. The law permitted prosecution of rape only when reported by the survivor, which observers noted was rare due to survivors' fear of social stigma and retribution.

Although the law prohibited domestic violence, such abuse was thought to be widespread, based on media reports of specific cases of domestic violence as well as input from civil society organizations working to combat domestic violence. The government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibited FGM/C for

girls and women of all ages, and the practice was punishable by a fine and five years in prison. The government did not enforce the law effectively. A 2021 study by UNICEF found that approximately 52 percent of local women between ages 15 and 49 were survivors of FGM/C and that FGM/C was practiced most often on girls younger than age five. The NGO 28 Too Many estimated that, in some parts of the country, the figure was as high as 95 percent.

Other Forms of Gender-based Violence and Harassment: No law prohibited sexual harassment, and it was believed to be widespread. The government undertook no initiatives to combat the problem.

Discrimination: The constitution prohibited discrimination based on sex. The constitution also stated that men and women were equal before the law in all aspects of political, economic, social, and cultural life. Gender discrimination, however, was common due to societal norms based on traditional customs and rules of ethnic groups and religious communities that perpetuated inequalities. The law recognized equal rights for men and women to access land, yet it also recognized customary law that favored men in acquiring land ownership rights.

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 popularly considered inappropriate for women,

including construction and heavy industry. The labor law did not set forth penalties for gender discrimination.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The UN Population Fund (UNFPA) reported that approximately 100 health centers offered family planning services but that the availability of birth control services offered varied from center to center. Certain religious groups discouraged use of modern contraception.

According to the UNFPA, the availability of maternal health care in rural areas was severely lacking, resulting in high rates of maternal mortality. The health system's capacity for obstetric care was insufficient, and emergency care was available only in Bissau.

Two NGOs provided emergency contraception kits to public health clinics that offered services to survivors of sexual assault; however, an overall lack of resources within the public health sector limited treatment options. Observers reported that postexposure prophylaxis was sometimes available within the public health sector as well as private clinics, but supply shortages meant it was not always dispensed in the clinical management of rape.

According to UN estimates, the maternal mortality rate was 725 deaths per 100,000 live births in 2020, and the lifetime risk of maternal death was one in 160. Moreover, only 54 percent of births were attended to by a medical

professional. Major factors causing high maternal mortality were poor health infrastructure and service delivery, as well as high rates of adolescent pregnancy due to the prevalence of child marriage. Some girls were not able to attend school due to pregnancy or inadequate access to menstruation hygiene products.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and law provided for protection of members of racial or ethnic minorities or groups against violence and discrimination, and the government enforced the law effectively.

Children

Birth Registration: Birth registration did not occur automatically at hospitals; parents were required to register births with a notary. UNICEF estimated that only one quarter of births were officially registered. A lack of access to official birth registration could have significant discriminatory effects against children from vulnerable families, complicating the process for obtaining government benefits, health care, and educational enrollment. The government worked together with the United Nations to establish one-stop access centers for citizens to obtain birth registration and other identity documents.

Child Abuse: There were no specific laws regarding child abuse. Violence

against children was seldom reported to authorities. The country had no state shelters for child survivors of violence. A regulatory framework was in place to allow for alternative housing arrangements for child survivors of violence, including privately funded shelters, orphanages, and host family habitation.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 16 for all individuals, but the government did not enforce the law effectively. Child, early, and forced marriage occurred among all ethnic groups. Girls who fled arranged marriages often were subsequently exploited in sex trafficking. The buying and selling of child brides also occurred. There were no government efforts to mitigate these problems. According to UNICEF, 6 percent of all girls were married by age 15, and 24 percent by age 18. The Association of Friends of Children, a domestic NGO that advocated for the rights of children, stated that from January to August it rescued approximately 30 girls who were survivors of forced marriage.

Sexual Exploitation of Children: The minimum age for consensual sex was 18. The law carried a penalty for conviction of statutory rape of two to 12 years in prison. The law also prohibited child pornography, and authorities enforced the law. The law criminalized commercial sexual exploitation of children, including for sex trafficking, and prescribed 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 survivors.

Antisemitism

There was a small Jewish community in the country, and no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults or so-called cross-dressing. No apparently neutral laws, such as laws on immorality or loitering, were disproportionately applied to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

Violence and Harassment: Civil society activists reported limited instances of acts of violence against LGBTQI+ persons, adding that violence against LGBTQI+ persons was not widespread nor supported by the government or society.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ community members did not report legal barriers to housing, health care, or education, but reported that LGBTQI+ identity was seen as socially unacceptable in culturally conservative regions and could result in denial of employment or housing; there were no reports of state action in those cases. LGBTQI+ persons reportedly faced discrimination in hiring.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices: Involuntary or coercive medical or psychological practices were not reported to be widespread, nor were they encouraged or supported by the government. There were no known reports of children or intersex persons being subjected to forced surgeries.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on freedoms of expression, association, or peaceful assembly for LGBTQI+ persons.

Persons with Disabilities

Persons with disabilities could not access education, health service, public buildings, and transportation on an equal basis with others. The law did 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 did not provide communication and information on disability concerns in accessible formats.

There was discrimination against persons with disabilities in hiring and workplace access. Children with disabilities attended school with peers without disabilities. 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.

Other Societal Violence or Discrimination

According to the GBHRL, approximately a dozen persons were killed in rural areas after being accused of witchcraft. The victims included elderly individuals who were killed by those believing their long life was attributable to witchcraft.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective

Bargaining

The law provided the freedom to form and join independent unions without prior authorization. The law excluded the military and police and did not fully cover other public-sector officials, agricultural workers, dock workers, or workers in the informal economy.

The law provided for the right to strike, but workers were required to give 72-hour prior notice. The law also prohibited retaliation against strikers and did 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 or nonpayment of salaries. Workers in the education, health, and public sectors went on strike during the year.

The law allowed unions to conduct their activities without government interference. Laws on unions provided protection only for trade union delegates, while the constitution provided for workers' rights to free speech and assembly. The law prohibited employer discrimination against official trade union representatives. The law required reinstatement of workers terminated for union activity. The law did not apply to domestic workers.

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.

Penalties were not commensurate with those for other laws involving denials of civil rights. In 2021, the International Labor Organization observed that statutory penalties for antiunion activity were insufficient to deter such activities. Penalties were rarely applied against violators.

b. Prohibition of Forced or Compulsory Labor

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The Council of Ministers annually established minimum wage rates for different categories of public sector workers but continued to rely on a wage establishment mechanism that the International Labor Organization stated was outdated. The minimum wage rates were above the official estimate for the poverty income level. There was no minimum wage for private sector workers. The law provided for a

maximum 45-hour workweek and provisions for overtime pay.

Occupational Safety and Health: In cooperation with unions, the ministries of justice and labor established the country's first legal occupational safety and health (OSH) standards for workers in 2021, but they did not have the force of law or regulation because the National Assembly did not adopt them by year's end. The standards were up-to-date and appropriate for the main industries. Workers did not have the right to remove themselves from unsafe working conditions without jeopardizing their employment. Many individuals working in the construction industry reportedly worked in conditions that violated OSH standards.

Wage, Hour, and OSH Enforcement: The Labor Ministry inspector general was responsible for enforcing the 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. Penalties, which usually took the form of minimal fines that had not been adjusted for inflation, were not commensurate with those for similar crimes. Many persons worked under conditions that endangered their health and safety. Penalties were sometimes applied against violators. Wage and OSH regulations were not enforced in the informal sector, which accounted for approximately 80 percent of workers.