

## Committee on the Application of Standards

Date: 20 May 2024

**Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.**

### ► Information on the application of ratified Conventions supplied by governments on the list of individual cases

#### Guinea (ratification: 1961)

##### Abolition of Forced Labour Convention, 1957 (No. 105)

The Government communicated the following written information and a copy of Decree No. 2016/309/PRG/SGG of 31 October 2016 establishing the prison regulations, Act No. 2015/009/AN on preserving the public order and Act No. 2005/013/AN of 4 July 2005 issuing regulations for associations in Guinea.

The Guinean legal framework provides a solid basis for the protection of persons against labour exploitation and strictly prohibits forced or compulsory labour in all its forms. This prohibition is contained in the provisions of the Transitional Charter, the Criminal Code and the Labour Code. In this connection, the Government notes the recommendations of the Committee of Experts to continue providing information on any criminal penalty handed down for violations of the provisions of Act No. L/2005/013/AN establishing the system of associations (under section 37 of the Act), and, where possible, on the acts giving rise to these convictions. It undertakes to send a copy of any new legislation amending the Act establishing the system of associations to the Committee of Experts as soon as it is adopted.

The Government notes the recommendations of the Committee of Experts to take the necessary measures to ensure that no punishments involving compulsory labour, including as part of a prison sentence, may be imposed on persons who express certain political opinions or who peacefully express views ideologically opposed to the established system, including in the context of peaceful public demonstrations. The Government indicates that with regard to the abolition of punishments involving compulsory prison work, section 38 of the Criminal Code provides for three types of alternative punishment for such offences, namely a fine paid daily, community service and reparations. Community service, which involves performing work for the benefit of the community as a whole, is explicitly set out in the draft to ensure that such work is not akin to punishment by forced labour as prohibited by Guinean law and the Constitution.

Section 44 of the Criminal Code provides that a sentence of community service may not be applied to a person who refuses to serve it or who does not attend the hearing. The person involved is reminded of their right to refuse, after being declared guilty and the determination of the sentence. However, the Government insists that the Committee's recommendations will be taken into account within the framework of the reform undertaken by the Government. The reform processes started by the transitional authorities provide for the adoption of a new Constitution and an overhaul of the political system, which will undoubtedly lead to a revision of the Charter of Political Parties. The Government informs the Committee that the sentences issued in accordance with the above-mentioned provisions very often concern the organization of or participation in unnotified or banned demonstrations. Prison sentences of 4 to 18 months are often handed down. There have been no court proceedings based on the provisions of the Criminal Code referred to by the Committee of Experts and, as a result, no sentences have been issued by invoking these provisions. The Government will keep the Committee informed of any future developments in this regard.

With regard to press offences, no such offence has been sentenced with compulsory prison labour. It should be noted that compulsory prison labour is no longer authorized in accordance with the provisions of the 2016 Criminal Code. Lastly, with regard to section 660 of the Criminal Code and sections 30 and 31 of Act No. 91/02/CTRN establishing a Charter of Political Parties, to date there have been no court proceedings on the basis of these provisions and therefore no sentence has been handed down in this area. The Government will keep the Committee of Experts informed of any future developments in this regard.