

# GUINEA 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Guinea was a constitutional democratic republic until a September 2021 military coup d'état led by army special forces commander Colonel Mamadi Doumbouya. The country last held presidential elections in October 2020, electing President Alpha Conde to a controversial third term. Following the takeover, the military government established the National Council for Reunification and Development as the ruling body. In the same month, the National Council for Reunification and Development released the Transition Charter to steer the country back to civilian rule and in October 2021, Colonel Doumbouya was sworn in as interim president. The military government dissolved the parliament in September 2021 and on January 22 replaced it with an unelected 81-member National Transition Council. On October 21, the government and the regional organization for West Africa, the Economic Community of West African States, agreed to a 24-month transition timeline to include local, legislative, and presidential elections, following stakeholder consultations. On December 7, leaders from the Economic Community of West African States announced an agreement with the government that the 24-month period began as of December 4.

The Ministry of Defense oversees the gendarmerie, and the Ministry of Security oversees the National Police. The National Council for Reunification and Development oversees the entire government, and civilian appointees lead most government ministries. Retired military generals lead the ministries of defense and security. The gendarmerie and National Police share responsibility for internal security. The army also has some domestic security responsibilities when formally activated. Authorities generally did not maintain effective control over the security forces, leading up to the coup d'état. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence

of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious restrictions on free expression and media, including violence or threats of violence against journalists, censorship, and threats to enforce criminal libel laws; substantial interference with the freedom of peaceful assembly; restrictions on freedom of movement and residence within the territory of a state and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence including female genital mutilation/cutting; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; laws criminalizing consensual same-sex sexual conduct between adults that were not enforced during the year; and the existence of the worst forms of child labor.

Impunity for government officials remained a problem. With occasional exceptions, the government did not sufficiently investigate, prosecute, or punish government officials who committed abuses, either in the security forces or in other parts of government. The government started the trial for the alleged perpetrators of the 2009 stadium massacre on September 28, the 13th anniversary of the massacre. The National Council for Reunification and Development removed one of the alleged perpetrators from his senior government position in March and banned him from foreign travel in September.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Civilian and military security services, civil and military courts, and inspectors general within the Ministry of Security and Civilian Protection are tasked with investigating security force killings.

Police shot and killed Abdoulaye Diallo, age 28, during a police patrol in the Conakry neighborhood of Kipe on September 17. The minister of justice and

human rights ordered the attorney general to initiate legal proceedings against the Deputy Head of Operations, Alpha Kabinet Kaba, of the Central Anti-Drug Office for alleged acts of intentional homicide by firearm and against 10 other police officers for complicity (see also section 2.d., Freedom of Movement and the Right to Leave the Country, In-country Movement).

The Attorney General's Office charged four officers who belong to the Anti-Crime Brigade Number 1 (BAC Number D01) and the principal commissioner of the central police station of Kapor-Rails following a judicial investigation opened after the killing of a student, age 19, during a June protest against the increase in fuel prices. In a statement, the attorney general explained the government charged police Chief Warrant Officer Moriba Camara with murder and placed him in detention at the Conakry Central Prison; his codefendants were charged with criminal abstention and placed under judicial supervision. As of December, the trial had not started.

The National Front for the Defense of the Constitution (FNDC), a coalition of political parties, civil society, and unions, called for protests on July 28 in the capital. Following three days of skirmishes between protesters and security forces in some neighborhoods in Conakry, the FNDC reported security force agents killed five persons and injured several persons. The Ministry of Security and Civil Protection reported 12 police officers were injured and 85 demonstrators were arrested on July 28. Security forces allegedly shot and killed Ibrahima Balde, age 19, and Oumar Barry, age 17, on August 17 during another FNDC-organized protest.

Impunity persisted for some state actors who perpetrated abuses in past years, including the 2009 Conakry stadium massacre by security forces, where they killed at least 150 opposition demonstrators and raped more than 100 women and girls. Two of the alleged ringleaders of the massacre, Colonel Claude Pivi and Colonel Moussa Tiegboro Camara, served in high-level government posts during the Conde administration. The National Council for Reunification and Development (CNRD) dismissed Tiegboro from his senior government position in March. The steering committee established in 2018 to organize a trial for the perpetrators of the 2009 stadium massacre resumed its work during the year. The body reconvened in July. An International Criminal Court delegation met with the senior CNRD officials in

early September to assess preparations for the trial; they also met with magistrates and toured the site of the nearly completed court constructed specifically for the trial. On September 16, Minister of Justice Alphonse Charles Wright announced the trial would start on the 13th anniversary of the event, September 28. The trial opened with charges of murder, attempted murder, rape, and torture against 11 defendants, including Camara.

## **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**

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading punishment, human rights observers reported that government officials continued to employ such practices.

Abuse of inmates in government detention centers continued. Security officials designated as “judicial police officers” abused detainees to coerce confessions. Human rights activists noted the most egregious abuses occurred during arrests or at detention centers. Human rights associations stated that complainants often presented evidence of abuse and wardens did not investigate these complaints. These nongovernmental organizations (NGOs) also alleged that guards abused detainees, including children, and coerced some women into exchanging sex for better treatment.

Impunity was a significant problem in the security forces, particularly in the gendarmes, police, and military forces. Factors contributing to impunity included corruption, lack of training and capacity, politicization of forces, and a lack of transparency in investigations. Offices tasked with investigating abuses included civil and military courts and government inspectors general within the Ministry of Security and Civilian Protection.

## **Prison and Detention Center Conditions**

Conditions in civilian prisons, which are under the supervision of the Ministry of

Justice, remained harsh and life threatening, with poor sanitation, malnutrition, disease, and lack of medical attention pervasive throughout the prison system. Conditions were allegedly worse in gendarme and police detention facilities designed for short-term detentions.

**Abusive Physical Conditions:** Overcrowding remained a problem. According to an activist for prisoners' rights, as of September, the Conakry Central Prison in Conakry held 1,802 prisoners in a facility designed for 300 (600 percent of total capacity); Nzerekore held 460 prisoners in a facility designed for 80 (575 percent of total capacity); and Kankan held 306 in a facility designed for 80 (382 percent of total capacity). Government-funded rehabilitation programs were underfunded and ineffective, leading some NGOs to try to fill the void.

Authorities did not always hold juveniles in separate sections at prisons and detention facilities, where they slept on iron bunk beds with no mattresses, or on the floor because it was too hot on the upper bunks below the building's metal roof. Prison officials did not separate pretrial detainees from convicted prisoners.

There were reports the government had trouble tracking the location of pretrial detainees in the justice system. According to lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals, this abuse also targeted incarcerated gender and sexual minorities, with transgender inmates detained in crowded cells with members of the opposite gender and subjected to violence and rape by fellow inmates and guards. This was particularly severe for transgender women held in male-only facilities.

Louency Camara, a former minister in Alpha Conde's government, imprisoned at Conakry Central Prison from April 28 on charges of financial crimes related to corruption, died on August 20. According to the Ministry of Justice, he died following a cardiorespiratory arrest at the Ignace Deen hospital where he was admitted on May 2. Camara's wife said that his lawyers submitted three requests for his release and medical evacuation while he was hospitalized but the government denied those requests.

Although the Ministry of Justice administered civilian prisons, prisoners allegedly controlled cell assignments and provided better conditions at some detention

centers to prisoners who were able to pay. Rumors persisted that guards ignored court orders to free prisoners until bribes were paid.

A lack of health care personnel, medicine, and medical supplies in prisons, combined with malnutrition and dehydration, sometimes made infection or illness life threatening; cases of beriberi were recorded. A local NGO reported that the government assigned a single doctor, based at the Conakry Central Prison, to cover all eight of the central prisons. Reports of overcrowding in medical wards at detention centers were common, including at the Conakry Central Prison. Prisoners relied on family members, charities, or NGOs to bring medication, but visitors often had to pay bribes to provide the medicine to prisoners.

From May to June, the former Minister of Justice Alain Moriba Kone visited the country's detention centers. He noted cases of malnutrition, including 28 cases in Labe (Middle Guinea), a lack of hygiene, and long periods of pretrial detention. He ordered the release of several detainees for minor offenses or improper detention. Following these multiple releases, the Association of Guinean Magistrates denounced the minister of justice for the release of the detainees, some of whom were indicted, and others sentenced, contrary to the country's standard legal procedures.

Mismanagement and neglect were prevalent. Toilets reportedly did not function, and prisoners often slept and ate in the same space used for sanitation purposes. Access to drinking and bathing water was inadequate. Many prisons were former warehouses with little ventilation and little access to electricity for air conditioning or other cooling techniques.

NGOs reported endemic malnutrition throughout the prison system. Authorities provided food at the Conakry Central Prison, but most prison directors relied on charities and NGOs to provide food for inmates. The Conakry Central Prison claimed it provided two meals a day; however, NGOs reported prisoners in Conakry and elsewhere received only one meal per day and that many relied on food from their families or other outside sources. Reports say guards often demanded bribes for delivering food to prisoners, which they then frequently confiscated.

The UN Office of the High Commissioner for Human Rights and NGOs noted that conditions at gendarmerie detention centers, intended to hold detainees for not more than two days while they awaited court processing, were much worse than in prisons. Such “temporary” detention could last from a few days to more than two years, and facilities had no established systems to provide meals or medical treatment. As in the case of prisons, gendarmerie facilities were dank and unsanitary.

**Administration:** Prison and justice sector authorities provided insufficient oversight of facilities and investigations into reported deficiencies. Prisoners and detainees have the right to submit complaints but seldom did due to possible reprisals from prison guards. Prisoners must use a lawyer to file a complaint, but lawyers were scarce and expensive. Prison authorities received little to no formal penal training and prison guards received only rudimentary basic military training designed for gendarmes. Prisoners complained that they were regularly denied access to visitors, including family members. Visitors were often required to pay bribes to access prisoners.

**Independent Monitoring:** Local NGOs such as Equal Rights for All and the Association for the Support of Refugees, Displaced Persons, and Detainees received regular and unimpeded access to the Conakry Central Prison; authorities rarely granted access to other facilities to monitor conditions.

Conditions in military prisons, managed by the Ministry of Defense, could not be monitored since the government denied access to prison advocacy groups and international organizations. Although military authorities claimed they did not hold civilians at military prisons, previously reported cases contradicted this assertion. Prior to the September coup d’état, reports indicated a prison existed at a military camp on Kassa Island, and that political prisoners were at times held at a military camp near Kankan.

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

The Transition Charter, previous constitution, and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions.

The law provides for the right of any person to challenge the lawfulness of his or

her arrest or detention, but few detainees chose this option due to legal costs, slow judicial proceedings, and fear of retribution.

### **Arrest Procedures and Treatment of Detainees**

Although the law requires arrest warrants, police did not always follow this protocol. The law also provides that detainees be charged within 48 hours, renewable once if authorized by a judge. In cases involving national security, the law allows the original length of detention to be increased to 96 hours, renewable once. Many detainees were held for much longer periods before being charged.

The law precludes the arrest of persons in their homes between 9 p.m. and 6 a.m., but arrests between those times occurred. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities routinely ignored the legal provision entitling defendants to an attorney and did not provide indigent defendants with an attorney at government expense.

Release on bail is at the discretion of the magistrate under whose jurisdiction the case falls. The law allows detainees prompt access to family members, but access was sometimes denied or restricted until families paid bribes to the guards at detention facilities.

**Arbitrary Arrest:** Transgender persons were subjected to “compassionate incarceration” to “protect” them from community violence but were segregated in prisons based on sex assigned at birth; this led to high rates of sexual violence against those “protected” individuals.

Former Foreign Minister Ibrahima Khalil Kaba and former president Alpha Conde’s doctor, M’Bemba Kaba, were arrested on March 21 in connection with an audio recording of the former president that was leaked to the press. The two were charged with invasion of privacy, and not permitted access to their lawyer for 72 hours, until finally released on March 24 and placed under judicial supervision. As of December, their trial had not started.

**Pretrial Detention:** Lengthy pretrial detention was prevalent. The president of a local NGO defending human rights reported that one reason for long pretrial detentions included the lack of sufficient magistrates. He noted in the country

there was a ratio of one magistrate per 40,000 inhabitants and the magistrates were concentrated in urban areas. Information was not available regarding the average length of detentions or whether detentions exceeded the maximum possible sentence. The law states that when the prosecutor has issued an arrest warrant against an individual or an individual was questioned by an investigating judge, the individual may remain in detention for a maximum of 24 months under circumstances related to national security.

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

Although the law provides for an independent judiciary and the Transition Charter also stated the CNRD's commitment to an independent judiciary, according to Freedom House, the judicial system remained subject to political influence and corruption. Informed observers noted political and social status often influenced decisions. Outdated and restrictive laws, a shortage of qualified lawyers and magistrates, nepotism, and ethnic bias limited the judiciary's effectiveness. Domestic court orders were often not enforced. For example, some prisoners ordered to be freed by courts remained in detention because they failed to pay "exit fees" to guards.

### **Trial Procedures**

The Transition Charter, previous constitution, and law provide for the right to a fair and public trial, and an independent judiciary, although burdened by corruption and limited effectiveness, generally strived to enforce this right.

The government did not consistently observe the right to presumption of innocence, the right of the accused to counsel (but only for major crimes), and the right to appeal a judicial decision. Although the government was responsible for funding legal defense costs in serious criminal cases, it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. Authorities allowed detainees' attorneys access to their clients, but often on condition that prison guards or gendarmes be present. The law provides that defendants have the right not to be compelled to testify or confess guilt, but abuse or other harsh treatment and conditions in detention centers undermined this protection.

## **Political Prisoners and Detainees**

The CNRD summoned individuals without cause. Civil society described the actions as “political intimidation.” At year’s end, the government had charged all known political prisoners and detainees, although pretrial detentions were long. The government permitted access to such persons on a regular basis by the International Committee of the Red Cross and other human rights or humanitarian organizations. Lawyers for detainees reported that authorities made many of the arrests during house-to-house searches at night in neighborhoods considered opposition strongholds. Authorities also reportedly used excessive force in the arrests.

On July 5, FNDC Coordinator Oumar Sylla (a.k.a. Fonike Mengue) and two other leaders of FNDC, Alpha Midjaou Bah and Mamadou Billo Bah, were arrested at their headquarters while holding a press conference. Justice officials had ordered the arrest of the three leaders. They were charged and tried for contempt of court and public insults. The court ruled the charges insufficient and ordered their release after four days in detention. On July 30, authorities again arrested Sylla, along with FNDC’s Deputy Coordinator Ibrahima Diallo and Executive Secretary of the Union of Republic Forces (UFR) Saikou Yaya Barry. The government charged them with “disturbing public order, arson, looting and destruction of public and private buildings” because they had called for protests on July 28 despite the CNRD’s ban on demonstrations. As of December, their trial had not started.

## **Civil Judicial Procedures and Remedies**

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights abuses. Individuals filed few lawsuits seeking damages for human rights abuses, in part due to fear of suing security force members and lack of confidence in the competence and impartiality of the judiciary. Some cases were appealed to the Economic Community of West African States (ECOWAS) Court of Justice.

## **Property Seizure and Restitution**

In February the CNRD launched an operation to recover government-owned

properties, seizing several properties deemed state-owned and, in several cases, demolishing the buildings. Cellou Dalein Diallo, president of the Union of Democratic Forces of Guinea and Sidya Toure, president of the UFR, were among those whose residences were seized. The two political leaders both argued that they had documents which confirmed they legally purchased their respective estates and initiated legal action against the seizures. While the seizure case was pending in court, the CNRD demolished the house of Cellou Dalein Diallo on March 26.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The Transition Charter provides that the home is inviolable, and the secrecy of correspondence is guaranteed to all citizens and that these rights may only be infringed in the cases provided for by law. Police reportedly ignored legal procedures in the pursuit of criminal suspects, including when it served authorities' personal interests. Authorities sometimes removed persons from their homes without legal authorization, stole their personal belongings, and demanded payment for the release of their belongings.

The government reportedly continued to arrest or punish family members for alleged offenses committed by relatives.

#### **g. Conflict-related Abuses**

**Physical Abuse, Punishment, and Torture:** According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in 2020 of sexual exploitation and abuse by the country's peacekeepers deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, allegedly involving an exploitative relationship with an adult. As of September 2021, the United Nations was investigating the allegation.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for the Members of the Press**

## **and Other Media**

The Transition Charter provides for freedom of expression, including for members of the press and other media, and stipulates those laws pertaining to freedom of expression, which were in place prior to the September 5 coup d'état, would remain in force. The government did not always respect these rights. Colonel Mamadi Doumbouya initially dissolved the High Authority of Communication (HAC) along with the constitution, the government, and other institutions immediately after the coup, but in September 2021 the CNRD authorized the HAC to continue its regulatory activities. In May the HAC, with support of the UN Development Program and the NGO Search for Common Ground, presented a Code of Good Conduct for media houses and journalists.

**Violence and Harassment:** There were reports of arbitrary arrests, harassment, and intimidation of journalists by CNRD transition authorities. Media professionals were victims of attacks and violence perpetrated by security forces and demonstrators during political protests. The CNRD reportedly engaged in reprisals against a media outlet that was affiliated with former president Conde. In addition, according to the NGO Reporters Without Borders, army intelligence summoned two journalists without referring them to the media regulatory body or the ordinary courts. On August 5, Mohamed Bangoura, publishing director at the news website *Mosaïque Guinée*, was summoned to a military camp for having published an article reporting the involvement of the army in the disappearance of a truck containing the drug Tramadol at a military camp. After media associations and unions denounced the military's treatment of the journalist, the HAC examined the case, ruling the journalist had not properly vetted his information and would need to publish a retraction.

According to Reporters Without Borders, seven journalists have been disturbed, attacked, or assaulted by elements of police and demonstrators since July 28. On August 4, journalist Mamadou Hady Diallo from the radio station Djoma Kakande was attacked by law enforcement agents while covering a mining company workers' protest in the northwest of the country. On August 17, a journalist from the news site *Guineematin.com*, who was covering a protest in Conakry, was interrogated twice by soldiers who also confiscated his phone. Journalists were also frequently victims of threats and intimidation. The government allegedly put

pressure on the HAC to increase scrutiny of media and journalists. On several occasions, the HAC issued press releases to alert media of possible sanctions in the event of a violation of the law related to the dissemination of false information undermining social cohesion, peace, and justice or of a defamatory nature toward public or private figures. On August 19, the HAC suspended journalist Ibrahima Sory Lincoln Soumah for violating journalistic ethics, professional conduct, and the Code of Good Conduct. He had quoted surnames of victims of political protests during a radio broadcast.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Some journalists accused government officials of attempting to influence the tone of their reporting.

According to the NGO Committee to Protect Journalists (CPJ), the HAC on September 23 ordered a one-month suspension of three journalists, Mamadou Mathe Bah, Minkailou Barry, and Kalil Camara, who hosted the *Africa 2015* show on privately owned Nostalgie Guinee radio, as well as a month-long suspension of the program. The show on September 22 featured a telephone call from Sekou Koundouno, a representative of the opposition coalition National Front for the Defense of the Constitution. Koundouno told CPJ that he had called for citizens to “mobilize for a return to constitutional order.” The HAC charged the journalists with incitement of public revolt and public insults.

There were also reports CNRD authorities restricted journalists from covering certain transition government meetings and froze the assets of Djoma Media, a media outlet linked to former president Conde. After three months, the account of Djoma Media was finally unfrozen in December 2021.

State-owned Radio Television Guinea remained the only platform for official CNRD announcements to the public.

**Libel/Slander Laws:** Libel against the head of state, slander, and false reporting are criminal offenses subject to up to five years’ imprisonment and heavy fines. Journalists alleged the defamation lawsuits or threats to file lawsuits targeted persons critical of the government to silence dissent.

During a 2018 episode of their radio show *Africa 2025*, a former teacher from the

undergraduate school Saint Joseph de Cliny called in to denounce the working conditions at the school. In response the director of the school filed a complaint against the journalists who hosted the broadcast. The journalists' lawyer announced they would appeal the decision condemning them to two months suspended prison sentence and the payment of a fine of 500,000 Guinean Francs (\$57) each. According to the journalists involved, during the year the prosecutor invalidated the case due to a technical error.

## **Internet Freedom**

The government did not censor online content, and there were no credible reports it monitored private online communications without appropriate legal authority. The CNRD, however, monitored social media platforms and exploited the law to punish journalists and civil society activists for posting or sharing information critical of the government. Under the instruction of the attorney general, the singer and FNDC activist Alpha Midiaou Bah, known as "Djani Alpha," was banned from leaving the country and arrested on July 5 for posting insulting remarks on his Facebook page against the members of the National Transition Council (CNT). He was tried and released after a judge ruled the offense unconstitutional, but the prosecutor promised to appeal the judge's decision.

## **b. Freedoms of Peaceful Assembly and Association**

The Transition Charter and the law provide for freedom of peaceful assembly and association. The government restricted the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The Transition Charter and the previous constitution provide for freedom of peaceful assembly and association. The law bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The law permits prohibition of demonstrations or meetings if local authorities believe the event poses a threat to public order. Authorities may hold event organizers criminally liable if violence or destruction of property occurs. The law punishes anyone who hinders the right to demonstrate with a sentence of one to six months' imprisonment and a substantial fine. CNRD transition authorities routinely barred

public protests and assemblies.

The CNRD in May announced a ban on political protests. The May 13 statement prohibited all public demonstrations in public spaces for the duration of the transitional period. The junta stated that “to carry out the timeline of the transition period initiated on September 5, 2021, all political and social actors should limit to their headquarters any form of demonstration or gathering of a political nature.” The CNRD warned that “any breach of these guidelines will result in legal consequences.”

### **Freedom of Association**

The Transition Charter and previous constitution provide for freedom of association, and authorities both before and after September 2021 generally respected this provision. Requirements to obtain official recognition for public, social, cultural, religious, or political associations were not cumbersome, although bureaucratic delays sometimes impeded registration. (See section 3, Political Parties and Political Participation, for further information concerning political party registrations and the dissolution of the opposition FNDC coalition.) Groups explicitly representing the rights and well-being of the LGBTQI+ community reported that they were unable to obtain legal recognition, even though there is no explicit law preventing their recognition.

### **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 Transition Charter permits freedom of internal movement, foreign travel, emigration, and repatriation, but the government sometimes restricted these rights.

**In-country Movement:** The government requires all citizens older than 18 to carry national identification cards, which they must present on request at security checkpoints.

Police and gendarmes regularly established random checkpoints where they

routinely asked drivers to pay “tolls” or other illegal fees. Police and gendarmes occasionally robbed and beat travelers at these checkpoints and sometimes threatened them with death. On June 8, gendarmes reportedly pursued and beat Ousmane Berete leading to his death after he refused to pay a bribe at a gendarmerie checkpoint in the locality of Temenedougou, Dinguiraye prefecture. The situation led to violence in Dinguiraye town, where youths, who were reportedly upset over Berete’s death, attacked and vandalized the city’s gendarmerie and police station. Four gendarmes were arrested and taken to a military camp in Dinguiraye for investigation. According to statements by local observers, civil society and the population of Dinguiraye had long denounced the irregularity of this roadblock where citizens were often the victims of racketeering.

**Foreign Travel:** The CNRD requested former senior government officials surrender their personal and official travel documents. The Court to Repress Economic and Financial Offenses (CRIEF), created during the year specifically for corruption cases, issued a decision in April prohibiting 37 former ministers and heads of companies and public administration accused of corruption, money laundering, embezzlement of public funds, and illicit enrichment from leaving the country.

Colonel Moussa Thiegboro Camara, former secretary general to the presidency in charge of the fight against drugs and organized crime, was banned from traveling in early September due to allegations he was involved in the September 2009 stadium massacre. The trial began September 28.

## **e. Protection of Refugees**

The government cooperated with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The Transition Charter and laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law on the right of asylum and the protection of refugees has provisions to protect individuals from deportation.

**Durable Solutions:** Repatriation procedures existed and allowed refugees to choose voluntary repatriation. Voluntary repatriations, previously suspended due to COVID-19, resumed. Ivoirian refugees composed the majority of voluntary repatriations during the year. According to the president of the national commission for the integration and monitoring of refugees, in June more than a hundred refugees had returned to Côte d’Ivoire from where they fled during the crisis of the 2000s, making a total of 2,495 Ivoirians repatriated during the year. This repatriation operation followed the government’s cessation of refugee status for Ivoirians, effective June 30.

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

Not applicable.

#### **g. Stateless Persons**

There were a few hundred effectively stateless persons, most of whom came from Sierra Leone. These persons did not meet any of the criteria for citizenship. According to UNHCR, these persons requested neither repatriation nor local integration. The government could not provide information on stateless persons due to a lack of identification activities.

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

Prior to the September 2021 coup d’état, the constitution and 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, but both the Conde government and CNRD transition authorities abridged this right. The Transition Charter calls for free and fair local and national elections. The CNT formed in February was assigned to draft a new constitution.

On April 30, the president of the transition announced a transition timeline of 39 months. According to the president, the duration was an average timeframe determined through stakeholder consultations. The CNT then adopted a duration of 36 months on May 11 without determining the beginning of the timeline. Several political leaders and civil society actors criticized that the duration was not set in consultation with all the stakeholders as provided by the charter. In

September ECOWAS announced the imposition of sanctions on Guinea in response to the dearth of progress made toward an acceptable transition timetable. On October 21, the transitional government and ECOWAS signed an agreement for a 24-month transition, and ECOWAS leaders announced they had reached an agreement with the government that the transition period began with the ECOWAS Summit on December 4.

## **Elections and Political Participation**

**Recent Elections:** Following the October 2020 presidential election and an unsuccessful legal challenge from opposition presidential candidate Cellou Dalein Diallo, in November 2020 the Constitutional Court certified that President Conde won re-election with 59.5 percent of the vote. Diallo claimed victory and called on his supporters to protest the election results. Government security forces violently dispersed protesters and surrounded Diallo's home.

Although election day proceeded relatively smoothly, international and domestic observers raised concerns regarding unresolved voter roll problems, widespread pre- and post-election violence, restrictions on freedom of assembly, the lack of transparency in vote tabulation, insecure ballot transportation, and inconsistencies between the announced results and tally sheet results from polling stations.

The number of persons injured and killed during the pre- and post-election violence was widely disputed between the government and opposition groups. The FNDC claimed 90 deaths related to political unrest between 2019 and 2020; the government countered with figures that no more than 50 persons were killed during unrest, although the government denied the deaths were all caused by security forces. Opposition parties published a list of 46 killed and estimated at least 200 persons were injured during the 2020 election. Amnesty International reported 400 arbitrary arrests targeting opponents and members of civil society after the presidential election.

**Political Parties and Political Participation:** There were no official restrictions on political party formation beyond registration requirements. Parties may not represent a single region or ethnicity. The CNRD followed through with court decisions on party accreditation taken under Conde's regime and approved two

new political parties: Bloc for Change in Guinea in December 2021, and the Liberal Democratic Movement on January 5, adding to the more than 180 other parties that already existed.

The CNRD authorities dissolved the FNDC, a prominent coalition of Guinean civil society groups and opposition parties on August 8. In an order dated August 6, the minister of territorial administration justified his decision on the grounds that the collective protesting against the CNRD's actions "undermine national unity, public peace, and living together." Moreover, he noted, the FNDC did not appear on the list of NGOs approved in the country.

**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. Observers noted, however, there were cultural constraints on women's political participation, evidenced by the low rate of women occupying influential political or government positions. The October 2020 presidential elections saw two female candidates run for office. Political participation by openly identified LGBTQI+ persons was nonexistent due to cultural stigma and taboos that caused LGBTQI+ persons to hide their status.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. The CNRD created the Court to Repress Economic and Financial Crimes (CRIEF) in December 2021 to handle cases involving embezzlement, corruption, and misuse of public funds of more than one billion Guinean francs (\$115,000), and a new judicial officer of the state was appointed.

**Corruption:** The CRIEF placed some accused dignitaries of the former regime in provisional detention and others under judicial control while awaiting trial. On November 16, the president removed Alpha Yaya Sow as the minister of infrastructure and public works due to his being under investigation by the CRIEF for alleged acts of complicity around public procurement. The government has detained former Prime Minister Ibrahima Kassory Fofana and several other former ministers at the main prison of Conakry since April on charges of corruption and

embezzlement of public funds. On November 1, Fofana appeared in court for additional judicial questioning. Fofana and other ministers appealed a November 22 CRIEF decision to deny their bail to the Supreme Court. As of November, the CRIEF continued to investigate the corruption case against Fofana and the other ministers. Reportedly, other civil servants suspected of corruption have fled the country, some of whom have had international arrest warrants issued against them. Land sales and business contracts generally lacked transparency. Business leaders asserted regulatory procedures were opaque and facilitated corruption.

The new judicial officer of the state announced on July 25 the seizure of \$4.6 million and 26 billion Guinean francs (\$3 million) from persons prosecuted for embezzlement of public funds by the CRIEF in less than a year. The president of the transition dismissed some directors of state agencies, mayors, and 28 communal councils, and legal proceedings have been initiated against them for embezzlement and misappropriation of funds.

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

Some domestic and international human rights groups monitored and attempted to disseminate information on human rights abuses. They generally operated without government restriction. Government officials rarely were cooperative and responsive to their views. Since the September 2021 coup d'état, CNRD officials included human rights groups as part of the national dialogue process. NGOs are required to renew their permits with the government every three years.

**Government Human Rights Bodies:** There is a directorate of human rights and fundamental freedoms within the Ministry of Justice and Human Rights that is responsible for implementing government policy for the promotion and protection of human rights.

The president of the transition launched on March 22 the National Conference (Assises Nationales), reportedly a mechanism for national reconciliation. On March 25, Colonel Doumbouya created a National Committee of Consultations composed of 31 members to oversee the National Conference, headed by former

Prime Minister Mohamed Beavogui and cochaired by the Grand Imam of the Grand Mosque of Conakry and the Archbishop of Conakry. Beavogui noted that the work of the committee would be based on the conclusions of the 2016 Provisional Commission for Reflection on National Reconciliation and additional research completed during the period 2016-22. From March 22 to April 29, the members of the committee travelled across the country and to the country's diplomatic missions abroad to organize consultations with social actors. The National Committee of Consultations officially handed its final report to Colonel Doumbouya on August 24. One of the recommendations requested the government take care of the victims of violence during demonstrations and provide psychological and material assistance.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape and domestic violence, but both occurred frequently, and authorities rarely prosecuted perpetrators. The law does not address spousal rape or the gender of survivors. Rape is punishable by five to 20 years in prison. Survivors often declined to report crimes to police due to custom, fear of stigmatization, reprisal, and a lack of cooperation from investigating police or gendarmes. Studies indicated citizens also were reluctant to report crimes because they feared police would ask the survivor to pay for the investigation.

In domestic violence cases, authorities may file charges under general assault, which carries sentences of two to five years in prison and fines. Violence against a woman that causes an injury is punishable by up to five years in prison and a fine. If the injury causes mutilation, amputation, or other loss of body parts, it is punishable by 20 years of imprisonment; if the victim dies, the crime is punishable by life imprisonment. Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and courts rarely punished perpetrators.

**Female Genital Mutilation/Cutting (FGM/C):** Although the Transition Charter does not explicitly prohibit FGM/C, it grants individuals the right to their physical

integrity. Prior to September 2021, the constitution and laws prohibited FGM/C. The country had an extremely high FGM/C prevalence rate. According to a 2018 UNICEF survey, 94.5 percent of women and girls ages 15 to 49 had undergone the procedure, which was practiced throughout the country and among all religious and ethnic groups.

The law specifies imprisonment of five to 20 years and a fine if the victim is severely injured or dies; if the victim dies within 40 days of the procedure the penalty is up to life in prison or death. The law provides for imprisonment of three months to two years and fines for perpetrators who do not inflict severe injury or death. These laws were not effectively nor regularly enforced.

In October 2021 the CNRD appointed Morissanda Kouyate, a lifelong advocate for women's rights and the eradication of FGM/C, as minister of foreign affairs, international cooperation, African integration, and Guineans abroad.

**Sexual Harassment:** The law prohibits all forms of workplace harassment, including sexual harassment; however, the Transition Charter does not explicitly mention workplace or sexual harassment. Prior to September 5, the constitution prohibited harassment based on sex, race, ethnicity, political opinions, and other grounds. The Ministry of Labor did not document any case of sexual harassment, despite its frequency. The law penalizes sexual harassment. Sentences range from three months to two years in prison and the payment of a fine, depending on the gravity of the harassment. Authorities rarely enforced the law.

According to the Union of Guinean Workers, women working in the public sector reported professional repercussions, marginalization, and threats by superiors when women did not accept their advances.

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

Low accessibility and poor quality of family planning services as well as limited mix of methods hindered access to contraception. Cultural barriers included a lack of male partner engagement or support for a woman's decision to use family planning services; lack of decision-making power for women, as women in many cases needed approval from their husbands before using health services, including

family planning; and expectations for newlywed couples to have children. Religious beliefs also hindered access. According to the 2018 *Demographic and Health Survey*, modern contraceptive prevalence rate among women ages 15-49 who were married or in a relationship was 11 percent.

According to the 2018 *Demographic and Health Survey*, 55 percent of women gave birth with a skilled health-care professional present. Lack of quality health care, a limited health workforce, and sociocultural barriers also affected women's access to skilled health attendants, particularly when no midwives were available.

According to the 2016 UNICEF *Multiple Indicator Cluster Survey*, the maternal mortality rate was 550 per 100,000 live births. Lack of accessible, quality health services, discrimination, gender inequalities, early marriage, and adolescent pregnancy all contributed to the maternal death rate. (See the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information.) According to the UN Population Fund, the adolescent birth rate was 120 per 1,000 girls ages 15-19 years.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Multisectoral committees at the national, regional, and local levels addressed gender-based violence, including sexual violence. Committee participants included health professionals, police, and administrative authorities. Health professionals provided health care, including sexual and reproductive health services, to survivors of sexual and domestic violence. The UN Population Fund contributed emergency contraception through family planning partner clinics. Emergency contraception was also included in rape kits.

Lack of access to adequate menstrual hygiene supplies or facilities impacted women and girls' participation in educational, social, and economic opportunities. According to a Human Rights Watch report, the government does not explicitly guarantee nor ban girls from staying in school during pregnancy and motherhood. Religious, cultural, and societal stigma or pressures, however, often led the families of pregnant girls or adolescent mothers to deprioritize their education.

**Discrimination:** The law does not provide for the same legal status and rights for women as for men, including in inheritance, property, employment, credit, and

divorce. Although the law prohibits gender discrimination in hiring, the government did not effectively enforce this provision. There were no known limitations on women's working hours, but there are legal restrictions to women's employment in occupations and tasks deemed hazardous and in industries such as mining and construction (see section 7.d.). Traditional practices historically discriminated against women and sometimes took precedence over the law, particularly in rural areas.

Government officials acknowledged that polygyny was common. Divorce laws generally favor men in awarding custody and dividing communal assets. Legal testimony given by women carries less weight than testimony by men in a customary practice.

A 2019 amendment to the law makes monogamy the standard for marriage, except in the case of an "explicit agreement" with the first wife.

## **Systemic Racial or Ethnic Violence and Discrimination**

The country's population was diverse, with three main linguistic groups and several smaller ones. While the law prohibits racial or ethnic discrimination, allegations of discrimination against members of all major ethnic groups occurred in private sector hiring. Ethnic segregation of urban neighborhoods and ethnically divisive rhetoric during political campaigns were common. The government made little effort to address these problems.

## **Children**

**Birth Registration:** Children derive citizenship by birth within the country, marriage, naturalization, or parental heritage. Authorities did not permit children without birth certificates to attend school or access health care.

**Education:** Government policy provides for tuition-free, compulsory primary education for all children up to age 16. While girls and boys had equal access to all levels of primary and secondary education, approximately 39 percent of girls attended primary school, compared with 52 percent of boys. Government figures indicated 13 percent of girls completed secondary school, compared with 22 percent of boys (see section 6, Women, Reproductive Rights).

**Child Abuse:** Child abuse was a problem and authorities and NGOs continued to document cases. Child abuse occurred openly, although families ignored most cases or addressed them at the community level. Authorities rarely prosecuted offenders.

In March 2021 an amended law on children came into force. The law provides increased penalties for offenses that expose children to violence, sexuality, the display or dissemination of obscene images, and messages not intended for children. The law also increases penalties relating to child labor, sexual abuse, sexual exploitation of children, and child pornography.

**Child, Early, and Forced Marriage:** The law criminalizes early and forced marriage. The legal age for marriage is 18. Ambiguity remains, however, because the law refers to customary marriages for children who receive consent from both their parents or their legal guardian. The Guinean Young Girls Leaders Club (Le Club des Jeunes Filles Leaders de Guinee) recorded 50 child marriages during the year, a drop from previous years' records. According to Girls Not Brides, an international network of civil society organizations committed to ending child marriage, prevalence rates in Guinea are 47 percent of child marriage by 18 years of age and 17 percent of child marriage by the age of 15.

**Sexual Exploitation of Children:** The law prescribes penalties for all forms of child trafficking, including the commercial sexual exploitation of children. The law prohibits child pornography. The law does not explicitly address the sale, offering, or using of children for commercial sex. These laws were not regularly enforced, and sexual assault of children, including rape, was a serious problem. Girls between ages 11 and 15 were most vulnerable and represented more than half of all rape survivors.

**Displaced Children:** Although official statistics were unavailable, a large population of children lived on the streets, particularly in urban areas. Children frequently begged in public areas.

**Institutionalized Children:** The country had numerous registered and unregistered orphanages. While reports of abuse at orphanages sometimes appeared in the press, reliable statistics were not available. Authorities

institutionalized some children after family members died from the Ebola virus.

## **Antisemitism**

The Jewish community was very small and there were no reports of antisemitic acts.

## **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:** The law criminalizes consensual same-sex sexual conduct between adults, which is punishable by three years in prison. Although there were no known prosecutions under the law during the year, LGBTQI+ individuals reported harassment and persecution by law enforcement and often paid bribes in order to avoid arrest. The Office for the Protection of Women, Children, and Morals, a part of the Ministry of Security, includes a unit for investigating morals offenses, including same-sex sexual conduct.

**Violence against LGBTQI+ Persons:** LGBTQI+ persons faced arbitrary arrest, violence, and harassment by security forces who accused them of disrupting the social order. LGBTQI+ persons reported being stigmatized by their families. They were also subject to sexual assault based on their sexual orientation (see section 1.c., Prison and Detention Center Conditions, Abusive Physical Conditions, and section 1.d., Arbitrary Arrest). LGBTQI+ persons indicated some degree of internal displacement to avoid regions where cultural and religious norms put their lives and livelihoods in particular danger.

**Discrimination:** Deep religious and cultural taboos existed against consensual same-sex sexual conduct. Antidiscrimination laws do not apply to LGBTQI+ persons. The Transition Charter and existing laws do not protect the rights of LGBTQI+ persons. The Transition Charter describes marriage and the traditional

family unit (which excludes LGBTQI+ families) as the foundation of the country's society. LGBTQI+ persons were subject to employment and housing discrimination. There were no official or formal NGO reports of discrimination based on sexual orientation or gender identity, although societal stigma likely prevented survivors from reporting abuse or harassment. LGBTQI+ community members advised that those who are unable to conceal their identity, particularly transgender persons and sexual minorities with nonnormative gender presentation, were subject to bullying by peers and teachers, and often were unable to complete their studies. LGBTQI+ persons reported fear of discrimination when seeking health and medical care, leading many not to seek out treatment. A diplomatic mission in Conakry requested in December 2021 information regarding the celebration of same-sex marriage by foreign consuls in the country. The Ministry of Justice through the Ministry of Foreign Affairs replied in March that according to the law, such a marriage is not recognized in the country.

**Availability of Legal Gender Recognition:** There is no process by which the government allows individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity. The option of identifying as “nonbinary/intersex/gender nonconforming” was not available.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals. Religious, cultural, and family pressures, however, led to informal attempts to “convert” LGBTQI+ individuals, including by families regularly forcing LGBTQI+ members into unwanted marriages with heterosexuals.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no specifically registered LGBTQI+ organizations, as the government restricted such organizations from legally registering. Some public health organizations worked to raise sexual health and HIV and AIDS awareness, as well as prevent human rights abuses among vulnerable communities, including the LGBTQI+ community. An association supported by the National AIDS Control Committee and the Global Fund Works provided educational awareness on AIDS prevention, safe sexual practices, and antiretroviral treatment distribution, and it

advocated for the rights of vulnerable populations, including members of the LGBTQI+ community who continued to hide their status.

## **Persons with Disabilities**

Persons with disabilities could in some cases access education, health services, public buildings, and transportation on an equal basis with others. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, employment, air travel and other transportation, access to health care, or the provision of other government services. Other elements of the law describe the rights of persons with disabilities, such as access to regular, dedicated, or subsidized private schools, government hiring quotas, priority access to government services, and access to public transportation. The government did not effectively implement the law and programs to provide access to buildings, information, and communications. The government provided some information and communication in accessible formats. Colonel Doumbouya delivered the president's 2021 end-of-year speech, which for the first time was accompanied by sign-language simultaneous interpretation. In July the CNT held a two-day workshop on incorporating rights for persons with disabilities in the new constitution.

The law prohibits discrimination in employment against persons with disabilities. The government estimated the population of persons with disabilities to be 155,900. The Ministry of Social Action and the Promotion of Women and Children is responsible for protecting the rights of persons with disabilities, but it was ineffective. The government had informal hiring programs for hiring persons with disabilities. The government provided no support for placing children with disabilities in schools. Some parents of children with disabilities and children with albinism decided not to continue their education to prioritize resources for family members with better economic prospects.

## **Other Societal Violence or Discrimination**

Discrimination against persons with albinism occurred, particularly in the Forested Guinea Region, where, historically, ritual sacrifices and other harmful practices related to witchcraft used persons with albinism or their body parts. NGOs

focused on the rights of persons with albinism continued to raise awareness of discrimination and violence. A 2021 law affords persons with albinism equal rights to access education, health care, mobility, and employment. The law also strengthens penalties for those who encourage persons with albinism to beg and who seek to use persons with albinism in ritual ceremonies.

Local press reported on mob violence throughout the year, which remains widespread due to a lack of trust and capacity in the local judicial system. Mob violence remained a widespread problem and was reported in the local press throughout the year.

In Mandiana, Upper Guinea Region, an angry mob killed a man on June 20. The victim was questioned by the judge for acts of intentional bodily injury which resulted in the death of a young woman. During the hearing, the accused was forcibly removed from the judge's office and lynched within the court compound. Thirteen persons were arrested and transferred to Kankan civil prison.

Laws exist to protect persons with HIV and AIDS from stigmatization. The law on reproductive health provides that persons with HIV and AIDS receive special assistance in basic care and a guarantee of confidentiality. The government relied on donor efforts to combat discrimination against persons with HIV and AIDS, and government efforts were limited to paying health-care worker salaries. Most victims of stigmatization were widows abandoned by their families after their husbands died of AIDS.

## **Section 7. Worker Rights**

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

The labor code provides workers the right to organize, bargain collectively, join a union, and engage in strikes that can be complete or partial or in other forms which do not necessarily imply a pure and simple cessation of work, provided they are of a peaceful nature. The law requires that unions obtain the support of 20 percent of the workforce in order to represent them. The law places restrictions on the free exercise of these rights. The law mandates that the union organization or the collective filing the strike notice provide a written notice to the competent

authority with the reasons and claims made 10 working days before going on strike. Employees have the right to cease work completely upon expiration of the strike notice, subject to providing the necessary safety measures and minimum service. An employee who is required to provide a minimum service and who fails to report for duty is guilty of gross negligence.

Strikes are permitted only for work-related topics. Members of the armed forces may not strike. The military requests work changes through chain of command.

The law protects workers from antiunion discrimination. The law prohibits employers from taking union membership into consideration when considering decisions concerning an employee's hiring, firing, and conduct. It also allows workers 30 days to appeal any labor decisions and provides for reinstatement of any employee fired for union activity.

The Office of the Inspector General of Labor within the Ministry of Labor manages consensus arbitration, as required by law. An arbitration procedure may be implemented at any time, either at the request of one of the parties to the dispute, or at the request of the minister of labor, particularly if the dispute concerns "essential services."

Penalties for various labor violations ranged from fines to imprisonment, commensurate with penalties for similar crimes. The government did not effectively enforce applicable laws. Inspections were not adequate to achieve compliance, and penalties were rarely applied against violators.

Worker organizations did not generally operate independently of government or political party interference. Differences existed among the trade unions, with members accusing each other of supporting employer organizations or the government. This resulted in some unions split between two leaders. Companies did not always respect freedom of association and the right to collective bargaining.

In July the secretary general of the Autonomous Trade Union Federation of Banks and Insurance of Guinea was accused of offenses against justice and contempt of court and spent four days in pretrial detention before being sentenced to a five-month suspended prison term. The association of magistrates had filed a complaint

against him for insulting remarks following a ruling against two banking institutions by the Court of Appeal of Conakry. Due to the secretary general's detention, workers at banks and insurance companies organized a work stoppage that led to banking paralysis for several days.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor and debt bondage. Prison labor, however, is legal, including for crimes related to political and religious expression. The law prescribes penalties of three to seven years' imprisonment, a fine, or both for forced-labor offenses involving an adult victim, and five to 10 years' imprisonment, a fine, or both for those involving a child victim. Penalties were not commensurate with those for similar crimes. The government did not effectively enforce the law or prosecute any cases for adult forced labor.

Traffickers exploited men, women, and children in forced labor in agriculture. Traffickers exploited boys in forced labor in begging, mining, fishing, and on coffee, cashew, and cocoa plantations. Some government entities and NGOs alleged forced labor was most prevalent in the informal mining sector. Women and children were the most vulnerable to trafficking (see section 7.c.). Migrant laborers represented a small proportion of forced labor victims. The labor code does not regulate the work of migrants. In July the Ministry of Foreign Affairs created an office to monitor migrant worker numbers and take measures for their protection.

See also 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**

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 law prohibits sexual harassment and discrimination based on race, color, national origin, citizenship, social origin, age, language, or HIV-positive status or

other communicable disease status. The government took no steps to prevent discrimination in employment and occupation. Penalties were not commensurate with similar crimes and penalties were never applied against violators.

Although the law requires equal pay for equal work, women received lower pay for similar work, and there were legal restrictions on women's employment in some occupations (see section 6). Few persons with disabilities had access to work in the formal sector, although some worked in small family businesses; many survived by begging on the streets.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** In June the government increased the Guaranteed Minimum Interprofessional Wage from 440,000 Guinean francs (\$51) to 550,000 Guinean francs (\$63) per month, although this rate remained below the World Bank poverty level.

The law mandates that regular work should not exceed 10-hour days or a 48-hour week, and it mandates at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation accumulated at the rate of at least two days per month. Overtime and night wages are a fixed percentage of the regular wage. The law stipulates a maximum of 100 hours of compulsory overtime a year.

**Occupational Safety and Health (OSH):** The law contains OSH provisions but does not establish workplace health and safety standards. Moreover, it does not stipulate the safety requirements for certain occupations or for certain methods of work identified in the law. The employer is required to develop facilities and regulate workflow in order to preserve the health and safety of workers. They are responsible for providing employees with personal protective equipment at no cost. The labor inspector carries out investigations into the causes, circumstances, and responsibilities. All workers, foreign and migrant, have the right to refuse to work in unsafe conditions without penalty.

Each industry is required to have an occupational safety and health plan, though this requirement was rarely enforced. Despite legal protection against working in unsafe conditions, many workers feared retaliation and did not exercise their right

to refuse to work under unsafe conditions. Data were not available on workplace fatalities and accidents, but accidents in unsafe working conditions were common, especially in construction and artisanal mining. The government banned wildcat gold prospecting and other mining activities during the rainy season to prevent deaths from mudslides. Press reporting noted at least two dozen deaths in landslides on mining sites and granite and sand quarries at several locations in the countryside.

According to the General Labor Inspectorate, one occupational accident is reported at least once every quarter.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor is responsible for enforcing labor standards. The reported number of labor inspectors met International Labor Organization (ILO) standards, but the ILO noted inspectors received inadequate training. Labor inspector vacancies often went unfilled. Penalties for violation of the law were not commensurate with similar crimes and were rarely applied against violators. Enforcement efforts were insufficient to deter violations.

Authorities rarely monitored work practices or enforced workweek standards or overtime rules. Violations of wage, overtime, and OSH standards were common across sectors and inspectors found occupational health and environmental hazards among artisanal (small-scale) gold mining communities in the northern section of the country.

**Informal Sector:** The informal sector included 60 to 70 percent of all workers. The law and regulations on minimum wages applied to the informal sector, but these were not enforced in the informal sector. Sectors in which informal employment was prevalent included subsistence farming, small-scale commerce, street vending, shining shoes, and mining.