

GUINEA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea was a constitutional democratic republic until September 5, when Colonel Mamadi Doumbouya and military special forces arrested President Alpha Conde and seized power through a coup d'état. The country last held presidential elections in October 2020, electing President Conde to a controversial third term with 59.5 percent of the vote following a March 2020 referendum that amended the constitution to permit him to run. International and domestic observers raised concerns regarding widespread electoral violence, restrictions on freedom of peaceful assembly, lack of transparency in the vote tabulation, and polling station vote tally discrepancies.

The Ministry of Defense oversees the gendarmerie, and the Ministry of Security oversees the National Police. After September 5, the military junta, led by the National Committee for Reunification and Development, oversaw the entire government, while individual government ministries continued to be led by civilian appointees. The gendarmerie and National Police share responsibility for internal security, but only the gendarmerie can arrest police or military officials. The army also has some domestic security responsibilities. Until September 5, civilian authorities generally maintained effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

On the morning of September 5, Guinean Military Special Forces Group leader Colonel Mamadi Doumbouya seized power from the government. Colonel Doumbouya declared himself head of state, dissolved the government and National Assembly, and suspended the constitution. Doumbouya announced the creation of a National Committee for Reunification and Development government comprised primarily of military officers. On September 27, Colonel Doumbouya released the Transitional Charter, which supersedes the constitution and law until a new constitution is promulgated. As of December the military government had released 364 members of the political opposition arrested by former president Conde's administration and pardoned five others previously convicted.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by the government; 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 offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists, censorship, and the existence of 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; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; existence of laws criminalizing consensual same-sex sexual conduct between adults; and the existence of the worst forms of child labor.

Impunity for government officials remained a problem. The Conde government took minimal steps to prosecute or punish officials who committed human rights abuses or corruption.

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. Offices tasked with investigating security force killings include civilian and military security services, civil and military courts, and inspectors general within the Ministry of Security and Civilian Protection.

Fighting during the September coup d'état was limited to Conakry's Kaloum neighborhood, with press reporting eight to 20 members of the military killed.

According to Amnesty International, in the months leading up to the 2020

presidential election, between October 2019 and July 2020, security forces killed at least 50 persons and injured more than 200. Opposition sources claimed that security forces killed 99 individuals between October and December 2020 during and after the presidential election. The government did not confirm the number of persons killed during this period.

Impunity persisted for abuses perpetrated by state actors in past years, including the 2009 Conakry stadium massacre by security forces. At least 150 opposition demonstrators were killed, and more than 100 women and girls were raped. Since 2011 the judiciary confirmed indictments against 13 individuals. 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. Tiegboro retained his senior position within the National Committee for Reunification and Development (CNRD) at year's end. General Mathurin Bangoura, a person of interest whose indictment was dismissed following a judicial review, remained governor of Conakry until September.

The steering committee established in 2018 to organize a future trial for the perpetrators of the 2009 stadium massacre resumed its work during the year. The body reconvened in January after holding no meetings in 2020 due to COVID-19. During the May steering committee meeting, the minister of justice outlined a roadmap for an eventual trial; however, as of September 4, no trial date had been announced. The Conde administration cited the need for training and capacity building for judges as the reason for the delayed announcement of a trial date. On November 27, an International Criminal Court delegation met with the CNRD to demand that the stadium massacre trial begin. On December 3, the Ministry of Justice met with the stadium massacre steering committee. On December 22, former 2008 coup leader Captain Moussa Dadis Camara, who was indicted for his alleged role in the stadium massacre, returned to the country after living in self-imposed exile in Burkina Faso. In statements made to the press, Captain Camara said he was willing to stand trial. The CNRD's December 25 transition roadmap further reiterated the transition government's support for the trial but provided no timeline for judicial proceedings.

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

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 with impunity.

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.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in July 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 the United Nations was investigating the allegation.

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, 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. In September the CNRD announced a new public toll-free number for citizens to report on abuses of power by defense and security forces. By year’s end the CNRD had removed two soldiers from the armed forces for vandalism and looting based on information received from the hotline.

Prison and Detention Center Conditions

Conditions in civilian prisons, which are under the supervision of the Ministry of Justice, remained abusive, 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.

Physical Conditions: Overcrowding remained a problem. According to government sources, between January and February, the Conakry Central Prison in Conakry held 1,570 prisoners in a facility designed for 300 (523 percent of total capacity); Nzerekore held 271 prisoners in a facility designed for 80 (339 percent of total capacity); and Kakan held 229 in a facility designed for 80 (286 percent of total capacity). Government-funded rehabilitation programs were underfunded and ineffective, leading some NGOs to try filling the void.

Prison officials held men and women separately. Authorities held minors 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.

Between December 2020 and January, at least three opposition members died while in pretrial detention, reportedly due to poor prison living conditions. A fourth member died shortly after his release in December 2020. Authorities investigated none of the several reported deaths of prisoners.

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. Only two of the 31 detention centers had a full-time doctor and medical staff. 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.

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 as well as the National Institution for Human Rights 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. 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 authorities did not investigate credible allegations of abuse or inhuman prison conditions. 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. The local NGO Equal Rights for All stated religious practice was restricted at prisons other than the Conakry Central Prison. 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.

Military prison conditions, 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 the difficulties they might face 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. Authorities held most detainees in the three main prisons indefinitely and without trial.

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: The CNRD arrested and arbitrarily detained former president Alpha Conde on September 5. On November 27, authorities moved former president Conde from his previous location to his wife's house in the Dixinn neighborhood of Conakry. As of December he remained under house arrest without charge.

In February 2020 authorities arrested without charge more than 30 persons in various Conakry neighborhoods and held them for more than a month at the Soronkoni camp in Kankan, Upper Guinea. The detainees reported they were arrested by police and other security service units, were isolated, and had no contact with family. Following postelection violence in Nzerekore in March 2020, local sources reported that at least 40 persons were transferred to the same Soronkoni camp. As of September the CNRD released an additional five of these detainees. By December the CNRD released a total of 364 political prisoners. (See section 1.e., Political Prisoners and Detainees, for details regarding the postelection situation.)

Pretrial Detention: In February pretrial detainees constituted 72 percent of the prison population. 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 is questioned by an investigating judge, the individual may remain in detention for a maximum of 24 months under circumstances related to national security.

In June authorities provisionally released a boy, age 17, who spent three years in pretrial detention at the Conakry Central Prison. The boy was arrested in 2018 and

charged with unauthorized gathering. According to his lawyer, he was arrested in a Conakry neighborhood near where a police officer was killed several days before. As of December authorities had not set a trial date for the case.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system was plagued by corruption. The Transition Charter also states the CNRD's commitment to an independent judiciary. The judicial process often lacked independence and impartiality. Political and social status often influenced decisions. A shortage of qualified lawyers and magistrates, outdated and restrictive laws, 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. On the other hand, politically connected criminals often evaded prosecution.

Many citizens, wary of judicial corruption or with no other choice, relied on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, neighborhood leader, or a council of "wise men." The dividing line between the formal and informal justice systems was vague, and authorities sometimes referred a case from the formal to the traditional system to assure compliance by all parties. Similarly, a case not resolved to the satisfaction of all parties in the traditional system could be referred to the formal system for adjudication. In the traditional system, evidence given by women carried less weight (see section 6, Women).

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.

Trials are public and defendants have the right to be present and to consult with an attorney in a timely manner. Trials must be timely. The prosecution prepares a case file, including testimony and other evidence, and provides a copy for the defense. Defendants have the right to confront and question prosecution witnesses

and to present witnesses and evidence on their own behalf. The law provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel (but only for major crimes), and the right to appeal a judicial decision, but these rights were not consistently observed.

Authorities must inform defendants promptly of charges. Defendants are entitled to free assistance from an interpreter, if necessary. Defendants generally had adequate time but lacked resources, such as access to a lawyer, to prepare a defense. Most cases never came to trial.

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 torture or other harsh treatment and conditions in detention centers undermined this protection.

Political Prisoners and Detainees

The previous government and CNRD arrested or summoned individuals without cause. Civil society described the actions as "political intimidation." Local sources estimated the number of such arrestees or summoned individuals to be more than 300. The government permitted access to such persons on a regular basis by the International Committee of the Red Cross or other human rights or humanitarian organizations.

In May authorities released 40 detainees arrested following the October 2020 postelection violence. Nine of the released detainees were arrested by security forces for their proximity to the October 2020 mob attack on a freight train operated by the aluminum producer Rusal, in which according to government and press reports attackers killed four security force members.

In June President Conde pardoned four high-profile opposition members who requested clemency following their convictions. Although the four were pardoned and released, the convictions remained part of their record.

In July the government announced that four senior-level members of the opposition political party Union of Democratic Forces of Guinea were conditionally released for medical reasons. The members were previously imprisoned for their alleged role in postelection violence following the 2020 October presidential election. One of them, however, was sent back to prison in August for reportedly violating the conditions of his provisional release. He also was among the 79 detainees released by the CNRD on September 7.

On September 5, Colonel Doumbouya and the CNRD announced their intention to release all political prisoners and activists imprisoned during former president Conde's administration. The CNRD requested that the Ministries of Justice and Defense coordinate closely with the Public Prosecutor's Office, the prison administration, and lawyers to release all the detainees.

On September 7, the CNRD released 79 political detainees from the Conakry Central Prison. Many of the released were prominent opposition members such as Oumar Sylla (Fonike Mengue), Abdoulaye Bah, Etienne Soropogui, Ismael Conde, and Keamou Bogolan Haba. On September 24, the CNRD released 12 detainees, including five soldiers and two civilians held in Conakry, and five soldiers held at Camp Soronkoni. On September 28 in Kankan, the CNRD released one military detainee and Colonel Doumbouya pardoned five soldiers previously convicted and imprisoned.

Prior to the September 5 coup d'etat, in February Amnesty International reported that during the March and October 2020 elections there were "400 arbitrary arrests targeting opponents and members of civil society after the presidential election." Lawyers for the 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. The government announced that these individuals were arrested for participating in postelection violence.

In March President Conde pardoned seven minors who were reportedly members of the opposition and were arrested immediately following the October 2020 presidential election for "illegal assembly on a public road."

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 public 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 2019 the government forcibly evicted persons from four neighborhoods in Conakry. The government alleged the inhabitants were squatters on land long-planned as the relocation site of multiple ministries. Authorities demolished an estimated 2,500 buildings, resulting in 20,000 persons evicted, some of whom allegedly had legal ownership of their land. The victims formed a collective and appealed to the ECOWAS Court of Justice for compensation. On September 11, the victim's association made a public statement demanding assistance and the indictment of the former minister of housing for destroying their homes. As of September 30, the ECOWAS Court of Justice suspended all existing legal proceedings with the country because of the coup d'état. The government made no efforts to protect, assist, resettle, or integrate these displaced persons in other areas.

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

The constitution and law prohibit such actions, but police reportedly ignored legal procedures in the pursuit of criminal suspects, including when it served their 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 continued to arrest or punish family members for alleged offenses committed by relatives.

Section 2. Respect for Civil Liberties

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

The September 27 Transition Charter provides for freedom of expression, including for members of the press and other media, and stipulates laws pertaining to freedom of expression, which were in place prior to the September 5 coup d'état, would remain in force.

Prior to September 5, the constitution and law provided for freedom of expression, including for the press, but there were multiple reports of government efforts to intimidate the press and restrict press freedom.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent and opposition-owned media were active and generally expressed a wide variety of views. Print media had limited reach. Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country. FM radio call-in shows were popular and allowed citizens to express broad discontent with the government. An increase in online news websites reflected the growing demand for divergent views. Nevertheless, allegations against or criticism of the Conde government could result in government reprisals, including suspensions, fines, and arrests. The CNRD reportedly engaged in reprisal against a media outlet that was affiliated with former president Conde.

Violence and Harassment: There were reports of arbitrary arrests, harassment, and intimidation of journalists by Conde government officials and CNRD transition authorities.

On July 18, police arrested journalist Habib Marouane Kamara in Conakry and took him to the Office of the Director of Judicial Police where he was questioned for several hours. According to his lawyer, Kamara was sued for defamation and blackmail following a complaint by the new director of the Guinea Water Company. Kamara previously criticized the appointments of water company executives, including the CEO's wife, on his Facebook page. The Union of Private

Press Professionals denounced his arrest and the lack of a judicial summons. Authorities released Kamara after two nights in police custody.

On October 9, security forces raided the compound of *Djoma Media*, a private media outlet with reported ties to former president Conde. The military claimed they were searching for missing government vehicles, although they did not have a warrant to enter the compound. Gunfire erupted at the scene, reportedly injuring two persons, after *Djoma Media* security guards refused to grant access.

Censorship or Content Restrictions: The Conde government penalized media outlets and journalists who broadcasted items criticizing government officials and their actions. Some journalists accused government officials of attempting to influence the tone of their reporting.

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. According to media sources, the bank accounts were frozen due to “unjustified movements of money.” *Djoma Media*’s founder, Kabinet Sylla (known as “Bill Gates”), was a former government official and confidant of former president Conde. At year’s end the accounts remained inaccessible.

On October 8, according to Reporters Without Borders, CNRD authorities restricted several private television stations from filming CNRD Prime Minister Mohamed Beagovui’s swearing-in ceremony. State-owned Radio Television Guinea was often the only media outlet invited to cover Conde government meetings; it 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 imprisonment up to five years and heavy fines. Conde government officials used these laws to harass opposition leaders and journalists. Journalists alleged the defamation lawsuits targeted persons critical of the government to silence dissent.

On February 4, a Conakry court sentenced sports journalist Ibrahima Sadio Bah to six months in prison and a monetary fine for defaming Mamadou Antonio Souare,

the president of the national soccer federation.

On February 27, authorities arrested and detained sports journalist and historian Amadou Dioulde Diallo for allegedly insulting President Conde during a radio talk show. Reporters Without Borders, local press associations, and the Guinean Organization for the Defense of Human Rights expressed concern regarding the arrest and denounced his imprisonment, claiming that it was a violation of the law on freedom of the press. On May 19, a court sentenced him to a substantial fine and released him.

In January three journalists detained since 2018 from the private radio station Nostalgie FM, were prosecuted for “defamation, slanderous denunciation, and insults.” The journalists were sentenced on January 13 to two months’ imprisonment with suspended sentences and fined. 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. As of December the appeal was pending with the Conakry Court of Appeals. Several local press associations issued a press statement announcing their support for the journalists and advocated the cancellation of their sentence. On January 15, the Union of Private Press Professionals held a sit-in at the court to denounce the decision.

In December 2020 Minister of Technical Education and Vocational Training Zenab Nabaya Drame sued the three journalists for defamation for publishing a story implicating her in the embezzlement of approximately 219 billion Guinean Francs (GNF) (\$22.3 million) in public funds as minister and in former positions as finance director in the Ministries of Health and Agriculture. The minister withdrew the suit in February after the court ruled that it could not proceed with the case while there was an ongoing investigation into the allegations of embezzlement (see section 4, Corruption and Lack of Transparency in Government).

National Security: Authorities used the law to punish journalists and executives at media outlets critical of the government.

In November 2020, after being detained for three weeks, Guinean-Canadian pro-opposition blogger Mamady Conde (alias Madic 100 Frontieres) was charged with slander, threats, xenophobia, inciting a revolt, and harming the fundamental interests of the state. He was convicted on February 8 and sentenced to five years in prison and fined for “downloading and disseminating messages, photos, drawings of a racist nature, xenophobia, threat, violence and insults through a computer system.” His sentence was reduced to one year on June 10 after an appeal. Then president Conde pardoned Mamady Conde in addition to three other high-profile opposition members in July after the four wrote letters of contrition seeking clemency.

Internet Freedom

The Conde government restricted and disrupted access to the internet. It did not censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The Conde government, however, monitored social media platforms and exploited the law to punish journalists for posting or sharing information critical of the government.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom.

b. Freedoms of Peaceful Assembly and Association

The Transitional Charter and the law provide for freedom of peaceful assembly and association, as did the constitution before it was suspended on September 5. Both the Conde government and CNRD transition authorities routinely barred public protests and assembly.

Freedom of Peaceful Assembly

The Transitional Charter and the previous constitution provide for freedom of peaceful assembly and association, but the Conde government and CNRD restricted this right, primarily to mitigate the spread of COVID-19. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature

threatens national unity.” Prior to September 5, the government required a 72-working-hour advance notification for public gatherings. 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 to a sentence of one to six months’ imprisonment and a substantial fine.

The CNRD used previous COVID-19 restrictions to limit unsanctioned public gatherings. Although the CNRD permitted celebratory marches demonstrating support for Colonel Doumbouya, on September 11, the CNRD forbade all marches and protests on public health grounds. The CNRD strongly condemned a National Front for the Defense of the Constitution (FNDC)-led march from Conakry International Airport to Bambeto Circle on September 18 welcoming the return of exiled senior FNDC leader Sekou Koundouno. No violence was reported during the march.

Prior to September 5, large demonstrations were typically met with a heavy-handed response by security forces including arbitrary arrests, tear gas, and excessive use of force. Since September 5, reported security force interactions with demonstrators was more restrained.

On December 11, supporters of former president Conde gathered in front of their party, Rally of the Guinean People Arc-en-Ciel, headquarters in Conakry to demand his release. Security forces deployed and used tear gas to disperse protesters. Media reports indicated eight activists were arrested and later released on December 13. Government officials applauded the security force response to the unsanctioned demonstration, citing adherence to established norms and no reported injuries or deaths. Civil society leaders and other political parties denounced the government’s response.

Prior to September 5, the decision to ban a meeting or demonstration could be appealed to the Court of First Instance.

Freedom of Association

The Transition Charter and previous constitution provide for freedom of

association, and authorities both before and after September 5 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.)

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 Transitional Charter and the constitution permit 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. In August, as a part of government measures to provide financial relief to drivers facing higher fuel prices, the minister of security announced the formal prohibition of any law enforcement officer from extorting drivers and other transporters, noting that law enforcement officers who erected unauthorized checkpoints would face sanction. The minister also announced the reduction in the total number of official checkpoints across the country.

As part of the health state of emergency, travelers were asked to present a negative COVID-19 test or vaccination certificate. Some travelers reported being forced to pay a fine or “toll” if they did not have a negative test or certificate. The health state of emergency remained in force at year's end.

Foreign Travel: Following the September 5 coup d’etat, CNRD authorities banned former president Conde and his former cabinet officials from foreign travel. The CNRD requested the former senior government officials surrender their personal and official travel documents.

Prior to September 5, the Conde government banned numerous opposition party members and private citizens from travelling. Following the October 2020 presidential election, the Conde government prevented the opposition Union of Democratic Forces of Guinea party’s president Cellou Dalein Diallo, his wife, and party vice president Fode Oussou Fotana from leaving the country. The government also prevented several other opposition members, including Union of Republican Forces president Sidya Toure and chief of staff Mohamed Tall, and the new Generation for the Republic party president Abe Sylla, and others who spoke out against President Conde from leaving the country even in instances where travel was necessary for medical treatment.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. 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 a voluntary repatriation. Voluntary repatriations, previously suspended due to COVID-19, resumed. Ivorian refugees composed the majority of voluntary repatriations during the year. According to UNHCR data, as of December 7, 23 UNHCR-designated refugees were repatriated, while 8,622 returnees and other

persons of concern voluntarily repatriated to their countries of origin.

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 September 5, 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 Transitional Charter calls for free and fair local and national elections after the creation of the National Transition Council to determine the elections timeline and draft the constitution. As of December the council had not been formed. On September 5, Colonel Mamadi Doumbouya and military special forces arrested President Alpha Conde and seized power through a coup d'etat.

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 postelection 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 postelection violence was widely disputed between the government and opposition groups. Government officials claimed at least 50 persons were killed, while the opposition published a list of 46 killed and estimated at least 200 persons were injured during the violence. 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 Conde government in some cases delayed opposition party registration. As of September 5, the government continued to deny accreditation to Bloc for Change in Guinea, despite a ruling by the ECOWAS Court of Justice, and to the Liberal Democratic Movement, despite an injunction by the Supreme Court in January to accredit the party. The government was accused of conditioning both parties' accreditation on their commitment not to oppose the government or join the political opposition.

In October 2020 the government closed the Union of Democratic Forces of Guinea's main political party office in Conakry on the grounds of COVID-19 public health measures and national security, preventing the party from using the space for meetings and assemblies. The party appealed to the courts to reopen their office, but their appeals were rejected. The CNRD reopened the premises on September 6.

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 lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons was nonexistent due to cultural stigma and taboos that caused LGBTQI+ persons to hide their status.

Women held six of 26 cabinet-level positions in the transition government formed after September 5. The Transitional Charter states that 30 percent of all National

Transition Council seats must be filled by women. As of December 7, the National Transition Council had not formed.

Prior to September 5, 11 of 36 cabinet-level positions were held by women. In the National Assembly, 17 of 114 seats were held by women. Prior to the March 2020 legislative elections women held 25 of 114 seats in the National Assembly. The law requires that women constitute 50 percent of a candidate list for each party for electoral positions. The law applies to national and local elections, as well as elected positions in public institutions.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption, but the government did not implement the law effectively. There were multiple allegations during the year of corrupt practices by public officials that went unpunished.

Corruption: Conde administration authorities prosecuted very few cases, and even fewer resulted in convictions. Allegations of corruption ranged from low-level functionaries and managers of state enterprises to ministers and the presidency. Officials allegedly diverted public funds for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency. Business leaders asserted regulatory procedures were opaque and facilitated corruption.

In November 2020 several local media sources published a story implicating the minister of technical education and vocational training, Zenab Nabaya Drame, in the embezzlement of approximately GNF 219 billion (\$22.3 million) as minister and while serving in former positions as finance director in the Ministries of Health and Agriculture. According to media, Drame was responsible for approximately GNF 100 billion (\$10.2 million) in unjustified expenses during her tenure as Ministry of Health finance director; she reportedly embezzled GNF 56 billion (\$5.71 million) during her time at the Ministry of Agriculture; while as minister of technical education and vocational training she allegedly siphoned GNF 35 billion (\$3.57 million) from a program to build new vocational training facilities in Upper

Guinea and the Forest Region that were never built and overcharged GNF 28 billion (\$2.86 million) to administer nationwide school exams. Drame sued the journalists for defamation but dropped her suit in February due to the corruption investigation, which as of December was pending (see section 2.a., Libel/Slander Laws). In January authorities announced the Kaloum Court of First Instance would hear the corruption case, but judicial proceedings did not move forward before the September 5 coup d'etat.

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 September 5, 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: The National Institution for Human Rights promotes human rights awareness and investigates abuses. The institution was controversial from its inception because it was set up in a manner different than prescribed by law. It remained ineffective and lacked independence under the Conde administration.

The Conde government did not establish a truth and reconciliation commission as recommended in the Commission for National Reconciliation 2016 final report. Prior to September 5, the technical committee organized within the Prime Minister's Office to establish the commission had not finalized the draft law on its profile, mandate, and members. The CNRD did not take any steps to establish the commission.

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 5, 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 rate of FGM/C for girls between the ages of six and 14 dropped six percentage points since 2015.

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 or regularly enforced. In 2019 the Conde

government adopted an action plan to eliminate FGM/C (2019-23) that included integrating FGM/C modules into the curriculum of the Faculty of Medicine at the University of Conakry and updating the curriculum for midwifery and social work students. During the year the Conde administration continued to cooperate with NGOs and youth organizations in their efforts to eradicate FGM/C and educate health workers, government employees, and communities on the dangers of the practice.

On October 25-26, 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 they did not accept their advances.

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

No law adversely affected access to contraception, but low accessibility and poor quality of family planning services as well as limited contraception choices hindered access. 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 and sociocultural barriers, such as preferring a female health attendant during pregnancy and childbirth, also affected women's access to skilled health attendants 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. Emergency contraception was available at International Planned Parenthood Federation-affiliated clinics through purchases made by the UN Population Fund. Emergency contraception was also included in gender-based violence kits.

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. 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 discriminate 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 accordance with Islamic precepts and customary law.

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.

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

On March 11, an updated Children’s Code first adopted in 2019 entered into force. The new code 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 new code 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 minors who receive consent from both their parents or their legal guardian. According to women's rights NGOs, the prevalence rate remained high.

In February, during the National Forum on Gender and Mining organized by the World Bank, one speaker revealed that women were at times forced into an illegal marriage or concubinage as a condition for obtaining employment in the artisanal mining sector. LGBTQI+ persons were regularly forced into heterosexual marriages by their families.

In 2018, according to UNICEF, 17 percent of all girls were married by age 15 and 47 percent were married by age 18.

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 mosques, on the streets, and in markets.

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.

International Child Abductions: The country is not a party to the 1980 Hague

Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://www.travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community was very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

Persons with disabilities could in some cases access education, health services, public buildings, and transportation on an equal basis with others. The law prohibits the 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 end of year speech, which for the first time was accompanied by sign language simultaneous interpretation.

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 the hiring of persons with disabilities. The government provided no support for placing

children with disabilities in regular schools.

HIV and AIDS Social Stigma

Laws exist to protect persons with HIV and AIDS from stigmatization. The law on reproductive health provides that persons diagnosed with AIDS or HIV 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.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

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 and, in many cases, forced into unwanted heterosexual marriages. They were also subject to sexual assault based on their sexual orientation.

The law criminalizes consensual same-sex sexual conduct between adults, which is punishable by three years in prison; however, there were no known prosecutions during the year. The Office for the Protection of Women, Children, and Morals (OPROGEM), a part of the Ministry of Security, includes a unit for investigating morals offenses, including same-sex sexual conduct.

Deep religious and cultural taboos exist against consensual same-sex sexual conduct. Antidiscrimination laws do not apply to LGBTQI+ persons. The Transitional Charter and existing laws do not protect the rights of LGBTQI+ persons. The Transitional Charter describes marriage and the traditional family unit as the foundation of the country's society. LGBTQI+ persons were subject to employment and housing discrimination. There were no official or NGO reports of discrimination based on sexual orientation or gender identity, although societal stigma likely prevented survivors from reporting abuse or harassment. There were no publicly active LGBTQI+ organizations, although 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 and 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.

Other Societal Violence or Discrimination

Discrimination against persons with albinism occurred, particularly in the Forested Guinea Region, where historically persons with albinism were sought for ritual sacrifice and other harmful practices related to witchcraft. Albino rights NGOs continued to raise awareness of discrimination and violence against persons with albinism. On May 18, the Law on the Protection and Promotion of the Rights of People with Albinism entered into force. The 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.

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 June a man suspected of stealing a motorcycle in Kindia, Lower Guinea, was beaten and burned alive by a group of young men.

In August a man accused of theft and attempted murder was dragged out of a gendarmerie station in Mandiana, Upper Guinea, and stoned to death. Press reports alleged that the purported thief stabbed a man while attempting to steal the victim's metal detector.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The Transition Charter and the law provides most workers the right to organize,

bargain collectively, join a union, and engage in strikes. The law also places restrictions on the free exercise of these rights. The law requires unions to obtain the support of 20 percent of the workers in a company, region, or trade in order to strike. The law mandates that unions provide a 10-day notice to the Ministry of Labor before striking, although it allows work slowdowns without notice.

Strikes are permitted only for work-related topics; such permission, however, does not extend to government workers, members of the armed forces, or temporary government workers, as these categories do not have the legal right to strike. Despite lacking the right to strike, public school teachers repeatedly went on strike for better working conditions.

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. Employers often imposed binding arbitration, particularly in "essential services."

Penalties for various labor violations ranged from fines to imprisonment. The law also defines labor crimes to include workers and employers who subvert national interests or steal trade secrets. Penalties were not commensurate with similar crimes.

The government did not effectively enforce applicable laws. Inspections were not adequate to achieve compliance, and penalties were not enforced.

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 the company or government. This resulted in some unions having two leaders. Companies did not always respect freedom of association and the right to collective bargaining.

In August workers from the private transport company Albayrak organized a strike

demanding better work conditions. Security forces arrested and detained 36 workers for vandalizing company buses. They were released three weeks later with eight workers given six-month suspended sentences.

Hotel workers at the Sheraton Grand Conakry achieved union recognition in February 2020 after the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations filed a formal complaint with the World Bank Group's International Finance Corporation and Dutch Development Bank for failing to maintain the International Finance Corporation's specific performance standards. According to the international union, in October 2020 hotel management refused to engage union leadership on health-care negotiations in violation of national labor laws. The international union and local unions reported numerous violations of local labor laws, antiunion retaliation and discrimination, as well as violating internationally recognized worker standards of freedom of association and collective bargaining.

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 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 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.

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

The law prohibits child labor in the formal sector and sets forth penalties of imprisonment and confiscation of resulting profits. While a 2020 relevant law strengthened protections for children, the law does not meet international standards. The law provides additional prohibitions against hazardous work including work at night, work with explosives or corrosives, and extraction of minerals and other materials in mines and quarries. The law does not protect children in the informal sector, and authorities were hesitant to pursue cases due to longstanding sociocultural norms. The country made minimal advancement in efforts to eliminate the worst forms of child labor, and the law does not prohibit the practice. The law allows minors to work below the minimum age for employment, which is 16. Exceptions allow children to work at age 12 as apprentices for light work in the domestic service and agriculture sectors, and at age 14 for other work. The law does not prescribe the number of work hours per week for children, nor does it specify the conditions under which light work may be undertaken.

The Ministry of Labor maintained an outdated list of hazardous occupations or activities that may not employ children, but enforcement was limited to large firms in the formal sector. The law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The law increases penalties for forced labor if minors are involved, but penalties did not meet international standards, and enforcement was not sufficient to deter child labor violations. Although the law provides that treaty obligations be regarded by the justice system as lawfully binding, ambiguity concerning this provision's validity continued due to the government's failure to pass implementing legislation.

The Ministry of Labor is responsible for enforcing child labor laws, and it conducted occasional inspections. OPROGEM is the unit within the Ministry of Security responsible for investigating child trafficking and child labor violations. As of September OPROGEM brought three cases involving child labor exploitation to court. Penalties were not commensurate with similar crimes.

The government did not effectively enforce the law, and inspections were not adequate. Girls were subjected to domestic servitude domestically and abroad.

Forced child labor occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between ages five and 16 worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. They operated in extreme conditions, lacked protective gear, did not have access to water or electricity, and faced a constant threat of disease. Many children did not attend school and could not contact their parents, which may indicate forced labor.

Many parents sent their children to live with relatives or Quranic teachers while the children attended school. Host families often required such children to perform domestic or agricultural labor, or to sell water or shine shoes on the streets. Some children were subjected to forced begging.

Commercial sexual exploitation of children also occurred. Penalties were not commensurate with similar crimes.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law includes dispositions against 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.

Discrimination in employment occurred. 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: The government set the Guaranteed Minimum Interprofessional Wage at a rate below the poverty level determined by the World Bank.

The law mandates that regular work should not exceed 10-hour days or 48-hour weeks, and it mandates a period of 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 of work. There also are provisions in the law for overtime and night wages, which are a fixed percentage of the regular wage. The law stipulates a maximum of 100 hours of compulsory overtime a year.

The Ministry of Labor is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations deemed hazardous to workers' health. The law contains general provisions regarding occupational safety and health, but the government did not establish a set of appropriate workplace health and safety standards. Moreover, it did not issue any orders stipulating the appropriate safety requirements for certain occupations or for certain methods of work as called for in the law. All workers, foreign and migrant included, have the right to refuse to work in unsafe conditions without penalty.

The government did not effectively enforce the law. Inspection and enforcement efforts were insufficient to deter violations. According to the International Labor Organization, inspectors received inadequate training. The reported number of employed labor inspectors was sufficient to enforce compliance with the law, although labor inspector vacancies went unfilled. Inspectors lacked computers and transportation to carry out their duties. Penalties for violation of the law were not commensurate with similar crimes.

Authorities rarely monitored work practices or enforced workweek standards or overtime rules. Teachers' wages were extremely low. Salary arrears were not paid, and some teachers lived in poverty.

Violations of wage, overtime, and occupational health and safety standards were common across sectors. There were, for example, artisanal (small-scale) gold

mining communities in the northern section of the country, where inspectors found occupational health and environmental hazards.

Occupational Safety and Health: 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 was not available on workplace fatalities and accidents, but accidents in unsafe working conditions were common, mostly in construction and artisanal mining. The government banned wildcat gold prospecting and other mining activities during the rainy season to prevent deaths from mudslides. The practices, however, continued near the border with Mali, resulting in recurring accidents. Press reporting noted at least 20 persons killed in mudslides caused by artisanal mining at several locations.

In June an employee in a steel manufacturing plant died of severe burns in the industrial area of Dubreka. Investigators noted that the Ministry of Labor was not informed of the accident, and subsequently the minister ordered an immediate stop to the company's activities demanding its general management provide an explanation on the situation.

Informal Sector: The informal sector included 60 to 70 percent of all workers. The law applies to the informal sector, but it was seldom enforced. The minimum wage covers all sectors but was not applied in the large informal sector. Boys frequently worked in the informal sectors of subsistence farming, small-scale commerce, street vending, shining shoes, and mining.