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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.