

GUINEA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea is a constitutional democratic republic. In November the Constitutional Court certified President Alpha Conde's reelection (despite disputed results) with 59.5 percent of the vote, following a controversial March referendum amending the constitution and allowing him to run for a third term. International and domestic observers raised concerns about widespread electoral violence, restrictions on freedom of assembly, lack of transparency in vote tabulation, and polling station vote tally discrepancies. Major opposition parties boycotted March legislative elections, resulting in the ruling Rally for the Guinean People winning a supermajority in the National Assembly. Domestic and international observers raised concerns regarding widespread violence and voting irregularities in the legislative elections, including closed and ransacked polling stations. Numerous opposition parties rejected the results of the March legislative and October presidential elections.

The Ministry of Defense oversees the gendarmerie, and the Ministry of Security oversees the National Police. The gendarmerie and National Police share responsibility for internal security, but only the gendarmerie can arrest police or military officials. The army is responsible for external security but also has some domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces. Members of the security forces committed numerous abuses, particularly during the elections and resulting protests.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by or on behalf of the government; torture and cases of cruel, inhuman or degrading treatment by or on behalf of the government; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious restrictions on free expression and the press, including violence, threats of violence, unjustified arrests, censorship, and the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly; serious acts of corruption; lack of investigation of and accountability for violence against women;

GUINEA

existence of laws criminalizing consensual same-sex sexual conduct among adults, although not enforced; and the existence of the worst forms of child labor.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from

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

There were 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. According to the Union of Democratic Forces of Guinea (UFDG) opposition political party, security forces killed 99 individuals from the October 18 presidential election through December. The government rejected this figure but did not provide its own estimate of security force killings during this period.

There were multiple reports of killings by security forces in the capital city of Conakry and other major towns related to the March legislative election and constitutional referendum and the October presidential election. The minister of security reported six persons killed, four of whom were shot by security forces. Civil society leaders in the National Front for the Defense of the Constitution (FNDC), a broad opposition coalition protesting the constitutional referendum and presidential election, reported 10 persons killed in Conakry and four in N'Zerekore. The FNDC accused military units of involvement in the killings. There were no reports of investigations into these incidents.

In April the nongovernmental organization (NGO) Collective of Organizations for the Protection of Human Rights in the Forested Guinea Region reported on the March election violence in the region, noting security forces did not intervene and instead were involved in some of the killings and other abuses exacerbated by longstanding intercommunal and ethnic tensions. The NGO reported 36 persons

GUINEA

killed, 129 wounded, 127 arrested, and 83 buildings destroyed. Several local media and other sources, however, reported that the death toll could have been as high as 60, and that local authorities buried the victims in a mass grave. There were no reports of investigations into these incidents.

Since October 2019 the Guinean Organization for the Defense of Human and Citizen's Rights (OGDH) identified at least 60 killings during FNDC protests, the January Teachers' Union strike, the March legislative elections and constitutional referendum, and the October presidential election and subsequent violence. The families of 10 victims testified that most of the victims were outside the perimeters of the protests when they were shot and killed by security forces. There were no reports of investigations into these incidents.

Impunity persisted for abuses perpetrated by state actors in past years, including the 2009 Conakry stadium massacre by security forces of the previous military regime. 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, remained in high-level government posts. General Mathurin Bangoura, a person of interest whose indictment was dismissed following a judicial review, remained governor of Conakry.

The steering committee established in 2018 to organize the trial of the accused in the 2009 stadium massacre continued its work. The body did not meet regularly. In January the minister of justice announced that the trial would start in June; however, this was delayed.

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

GUINEA

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 NGOs also alleged that guards abused detainees, including children, and coerced some women into exchanging sex for better treatment.

According to the OGDH, following killings by security forces, some relatives who came to assist victims were subjected to arbitrary arrest, detention, violence, and humiliation by individuals wearing security force uniforms.

In January a victim reported security officers beat him and other protesters with batons at a detention center in Conakry following their arrest during a political protest. He reported security forces also demanded 1,100,000 Guinean francs (\$115) from the prisoners to avoid transfer to Conakry Central Prison (CCP).

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in July of sexual exploitation and abuse by Guinean 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.

According to a December 15 Amnesty International report, authorities arrested an elderly person on October 24 for “criminal participation in a gathering with violence” following an attack on a freight train that killed four security officials and a civilian. The person died on November 17 while in custody. Immediately following his death, the government announced that the individual had tested positive for COVID-19 and departed the detention center, then added later that the individual had complained about diabetes complications and died at a hospital. Multiple persons who viewed his body, including medical staff, reported seeing burns, cuts, and other marks on his body, indicating he had been abused while in

GUINEA

custody.

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.

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 detention.

Physical Conditions: Overcrowding remained a problem. According to the NGO World Prison Brief, in 2019 authorities held 3,782 detainees in facilities designed for 2,412 persons. Government-funded rehabilitation programs were underfunded and ineffective, leading some NGOs to try filling the void.

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.

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. In addition prison administrators at detention centers reported receiving directives from their prison service superiors that directly conflicted with orders from the Ministry of Justice. Rumors persisted that guards ignored court orders to free prisoners until bribes were paid.

In July a prisoner was decapitated and mutilated in a gendarmerie detention center.

GUINEA

According to authorities, his cellmate killed him, but the victim's mother suspected the gendarmes, who reportedly threatened her son during arrest. Authorities charged the cellmate with murder, while charging several gendarmes with endangering the lives of others because of their inattention to duty. Since the gendarmerie is under the jurisdiction of the military services, authorities transferred the case to the military courts. As of December the gendarmes awaited trial.

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, and of the several reported deaths of prisoners, none were investigated. 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 CCP. Prisoners relied on family members, charities, or NGOs to bring medication, but visitors often had to pay bribes to provide the medicine to prisoners.

Authorities recorded COVID-19 cases in prisons across the country, with 155 positive cases as of September. In May media reported two COVID-19 deaths at the CCP. Since the victims did not receive COVID-19 tests, the National Health Security Agency did not include them in its COVID-19 statistics.

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 CCP, but most prison directors relied on charities and NGOs to provide food for inmates. The CCP 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.

GUINEA

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.

An NGO reported that during March election violence the majority of arrestees transited the Fourth Military District’s camp before detention at the N’Zerekore gendarmerie headquarters. Prisoners stated that more than 50 persons were crammed into small cells and were not provided food, water, or other basic necessities for at least two days.

In April the Collective of Organizations for the Protection of Human Rights in the Forested Guinea Region noted that authorities held several persons arrested during the March and October election violence in a military facility in substandard living conditions before being transferred to gendarmerie facilities.

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. The local NGO Equal Rights for All (MDT) stated religious practice was restricted at prisons other than the CCP. 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 MDT and the Association for the Support of Refugees, Displaced Persons, and Detainees received regular and unimpeded access to the CCP; 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

GUINEA

hold civilians at military prisons, previously reported cases contradicted this assertion. Reports indicated a prison continued to exist 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 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: Many arrests took place without warrants and in violation of other due process protections provided in the law, such as the prohibition on arrests

GUINEA

at night. Authorities arrested family members for offenses allegedly committed by their relatives.

In February 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. Some believed they had been held to prevent their protesting a third term for President Conde. Following postelectoral violence in N'Zerekore in March, local sources reported that at least 40 persons were transferred to the same Soronkoni camp. In late September authorities conditionally released 35 individuals.

On September 10, authorities arrested UFDG communications chief and youth activist Roger Bamba on unknown charges and placed him in pretrial detention. Bamba became critically ill on December 16 and was transported to a hospital for emergency treatment where he succumbed to an unknown illness on December 17.

Pretrial Detention: According to an NGO working on prisoners' rights, a 2016 reform of the justice sector decreased the length of pretrial detention by 65 percent. In September 2019 pretrial detainees constituted 67 percent of the CPP population; 2017 figures cited by World Prison Brief estimated 60 percent of detainees overall were pretrial detainees. Figures were not available for the average length of detentions, or whether detentions exceeded the maximum possible sentence.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system was plagued by corruption. 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.

GUINEA

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 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

GUINEA

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 government 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.

Police arbitrarily arrested and detained opposition members. In April authorities arrested and charged a civil society activist member of the FNDC for “communicating and spreading false information” and for “violence and death threats.” During an interview on a local popular radio show, he had denounced the March 22 postelectoral violence in N’Zerekore and the arbitrary arrest of FNDC members. Authorities released him in August after a court found him not guilty of all charges. In May authorities arrested and charged another FNDC member for “violence, threats, assault and public insults.” As of September, despite two court orders for his release, he remained in detention.

According to Human Rights Watch, in October authorities arrested approximately 325 persons after postelection violence. Amnesty International reported “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 November police arrested and detained five senior-level opposition figures, including members of the UFDG. Authorities charged them with possession and use of military firearms, threats, violating fundamental interests of the nation, and criminal association. Authorities sought two other leading opposition figures on the same charges but they remained at large. Another opposition leader turned

GUINEA

himself in after the state prosecutor announced arrest warrants against him. Opposition parties, including the FNDC, and civil society groups believed that the seven individuals were wanted due to their opposition status.

Also in November the government reported that it detained or completed judicial proceedings against more than 137 individuals in Conakry for participating in illegal demonstrations, using weapons, inciting violence, and other crimes during the postelectoral period. Authorities announced they were still looking for “activists” who threatened public security.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights abuses. There were 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. NGOs that filed cases for civilians in 2012, 2013, and 2014--ranging from complaints of torture to indefinite detention--claimed their cases had yet to be heard. NGOs subsequently opted to lodge complaints with the Economic Community of West African States (ECOWAS) Court of Justice.

Property Restitution

Between February and May 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. The hearing, scheduled for November 8, was postponed at the request of the victims’ lawyer, who asked the court to conduct a site visit. 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,

GUINEA

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 the belongings.

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

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, but there were multiple reports of government efforts to intimidate the press and restrict press freedom.

In July the National Assembly passed legislation revising the composition and organization of the High Authority of Communication (HAC). Under the old law, the HAC president was elected by a group of peer commissioners, while under the new law the HAC president is appointed by presidential decree. Media criticized the new law and feared the HAC would be subservient to the office of the president.

Freedom of Press and 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 government or ruling party could result in government reprisals, including suspensions, fines, and arrests.

Violence and Harassment: There were reports of arbitrary arrests, harassment,

GUINEA

and intimidation of journalists by government officials.

On March 6, police arrested and assaulted French journalist Thomas Dietrich while he filmed a police crackdown on an opposition demonstration in Conakry. Police took him immediately to the airport and deported him. The HAC accused him of interfering in domestic political activities.

On July 18, police arrested journalist Habib Marouane Kamara in Conakry and took him to the office of the director of judicial police (DPJ) where he was questioned for several hours. According to his lawyer, Kamara was earlier sued for defamation and blackmail following a complaint by the new director of the water supply company *Societe des Eaux de Guinee* (Guinea Water Company--SEG). Kamara had criticized the appointments of SEG executives, which included 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.

Censorship or Content Restrictions: The 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.

On June 29, the DPJ summoned the chairmen of three private radio stations and directed them to stop broadcasting a radio advertisement supporting the FNDC's opposition to the proposed new constitution and a third term for President Alpha Conde. The DPJ also directed the chairmen to provide information concerning who within FNDC approved the advertisement. The chairmen complied with the decision of the HAC and halted broadcast of the advertisement. According to media sources, a decision by the HAC to ban the advertisements allegedly originated from the Inter-Ministerial Council and the National Assembly president, who claimed that the advertisement would disturb public order.

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. Officials used these laws to harass opposition leaders and journalists. Journalists alleged the defamation lawsuits targeted persons critical of the government to

GUINEA

silence dissent.

National Security: Authorities used the law to punish journalists and executives at media outlets critical of the government. In October 2019 authorities detained for several hours two al-Jazeera journalists, Nicolas Haque, al-Jazeera chief of bureau in Dakar, Senegal, and cameraman Hugo Bogaeert, accusing them of spying, endangering state security, and producing ethnocentric reports. Upon their release police forced them to leave the country.

Internet Freedom

The 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 government did, however, monitor social media platforms and exploited the law to punish journalists for posting or sharing information critical of the government. In March widespread internet disruptions occurred starting the day before the polls opened for the legislative election and constitutional referendum until the day after the polls closed. The director of internet service provider GUILAB SA, who is appointed by the minister of posts, telecommunications and digital economy, announced the disruption was due to maintenance. The government owned 52.55 percent of GUILAB.

On October 23, authorities suspended all cell phone data and international calling, and blocked various social media platforms. The government stated it suspended these services in response to postelectoral violence. Cell phone data and international calling services were restored several days later. Full social media access was restored in December.

Academic Freedom and Cultural Events

There were no reports of government restrictions on academic freedom or cultural events.

GUINEA

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, but the government routinely barred public protests.

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, but the government restricted this right. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The government requires a 72-working-hour advance notification for public gatherings. The law permits prohibition of demonstrations or meetings if local authorities believe the events pose a threat to public order. Authorities may also hold event organizers criminally liable if violence or destruction of property occurs.

Authorities demonstrated a lack of impartiality following the March state of emergency ban on large gatherings to counter the spread of COVID-19. Organizations affiliated with the governing party gathered and organized meetings to support the government, while authorities banned opposition protests, particularly in the postelectoral period from October to December.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Police and security forces, however, continued to detain persons at roadblocks to extort money, impeding the free movement of travelers and threatening their safety.

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

GUINEA

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.

The March state of emergency to limit the spread of COVID-19 included the closure of international borders and a ban on traffic between Conakry and the rest of the country. Authorities established numerous checkpoints and roadblocks. The state of emergency continued through the end of the year.

In May protests concerning shakedowns by security forces manning COVID-19 checkpoints in the cities of Coyah and Dubreka turned violent. The protesters, largely taxi drivers and truckers, complained of repeated and forced payment of bribes. According to several news reports, security forces shot and killed at least six persons and injured many. The government acknowledged that there were deaths but provided no numbers.

Foreign Travel: International airport authorities denied several opposition figures the right to depart the country. In some instances immigration officials seized travelers’ passports. Authorities did not explain to these travelers why they were not permitted to depart the country

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, stateless persons, asylum seekers, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The country continued to host refugees from Cote d’Ivoire, Liberia, and Sierra Leone.

GUINEA

UNHCR provided protection and limited assistance, including medical care and educational support for refugee children, to refugees considered extremely vulnerable in Conakry, Macenta, and the Kouankan Camp. UNHCR and its partners provided sanitation and educational materials as part of its efforts to limit the spread of COVID-19.

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 refugees requested neither repatriation nor local integration.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Starting in December 2019 and continuing to December 2020, opposition parties led protests nationwide concerning elections. Legislative elections held in March were coupled with a constitutional referendum that principally sought to extend presidential term limits. Major opposition parties boycotted the election in protest of the referendum's proposed constitutional changes and problematic voter rolls. According to media sources, the international association of French-speaking countries cast doubt on the credibility of the voter rolls, stating that there were more than 2.4 million "problematic" names, including dead persons, minors, and duplicate names. Due to the significant concerns surrounding the integrity of the election, international observers from ECOWAS, the African Union, and European Union abstained from observing the March elections.

After several delays the legislative election and referendum were held on March 22. Significant violence occurred in multiple locations on election day and after

GUINEA

the results were announced. The minister of security stated six persons were killed, four by security forces. Civil society leaders in the FNDC, however, reported 10 persons killed in Conakry and four in N'Zerekore. These leaders also alleged that three elite units of the army were the perpetrators (see section 1.a.).

The election resulted in the ruling party, the Rally for the Guinean People, gaining a supermajority in the National Assembly that allowed for the swift passage of the new constitution granting President Alpha Conde the ability to run for a third term. The results of the election and referendum were rejected by the opposition parties.

For the presidential election in October, ECOWAS determined that voter rolls met legal requirements despite opposition complaints. Opposition parties, however, continued to question the legitimacy of the voter rolls.

Following the October presidential election, and an unsuccessful legal challenge from principal opponent and UFDG candidate Cellou Dalein Diallo, in November the Constitutional Court certified that President Conde won re-election (despite disputed results) 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 had proceeded relatively smoothly, international and domestic observers raised concerns about unresolved voter roll problems, widespread electoral 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.

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 government in some cases delayed opposition party registration. The Liberal Democratic Movement's (MoDeL) request was pending with the government since the summer of 2018. As of December MoDeL had not received a formal response from the government. According to sources, the application and certification process normally takes three months. Without accreditation, the party was unable to participate in elections.

Authorities threatened to cut the payments of allowances of some opposition

GUINEA

National Assembly members if they did not support the ruling party.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. 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.

As of June, eight women served in cabinet-level positions (out of 37 such positions), the same as in 2019. In the National Assembly, 18 women were elected as members (out of 114 seats), down from 25 in 2019. In the executive office of the National Assembly, women held two vice presidential positions (out of five), one secretary position (out of six), and one quaestor position (out of two) (quaestors are in charge of the National Assembly's financial functions).

The law requires that women constitute 50 percent of a candidate list 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 but did not implement the law effectively. There were multiple allegations of corrupt practices by public officials that went unpunished.

Corruption: 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.

In August the public prosecutor's office announced the results of an investigation into the embezzlement of more than \$51 million in public funds by two senior civil servants working for the Regulatory Authority for Posts and Telecommunications.

GUINEA

The two civil servants, who were arrested and held pending prosecution, created fake service delivery invoices dating back to 2010 for a project managing incoming international calls.

Business leaders asserted regulatory procedures were opaque and facilitated corruption.

Financial Disclosure: Public officials are required to file a nonpublic financial disclosure statement, but this requirement was not universally respected. There are sanctions for nondisclosure, but they were not applied.

Section 5. Governmental Attitude Regarding 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. 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 continued efforts to establish its credibility by releasing reports on human rights abuses and issuing recommendations to improve human rights practices, but it remained ineffective and lacked independence.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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 victims. Rape is punishable by

GUINEA

five to 20 years in prison. Victims 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 victim 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 law and new constitution prohibit FGM/C, the country had an extremely high 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 6 percent 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.

The government 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.

A total of 232 communities organized public declaration ceremonies of the abandonment of FGM/C practices and child marriage in 2019. Since January an additional 66 villages declared they abandoned FGM/C and child marriage. In addition, in February the president launched the International Day of Zero

GUINEA

Tolerance to FGM Activities.

Sexual Harassment: The law prohibits all forms of workplace harassment, including sexual harassment. The constitution prohibits 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.

Reproductive Rights: Couples and individuals have the right to decide the number, timing, and spacing of their children and to manage their reproductive health free from discrimination, coercion, or violence. Many couples and individuals, however, lacked access to the information and the means to enjoy these rights.

No law adversely affected access to conception, 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 aged 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 healthcare 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

GUINEA

pregnancy all contributed to the maternal death rate. According to the UN Population Fund (UNFPA), the adolescent birth rate was 120 per 1,000 girls age 15-19 years.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Multisectoral committees at the national, regional, and local levels addressed gender-based violence, including sexual violence. Committee participants included health professionals, police, and administrative authorities. Health professionals provided health care, including sexual and reproductive health services, to survivors of sexual and domestic violence.

The prevalence of FGM/C among women aged 15-49 was 95 percent, according to the 2018 *Demographic and Health Survey*.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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. 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.

In May 2019 the National Assembly amended the law to make monogamy the standard for marriage, except in the case of an "explicit agreement" with the first wife.

GUINEA

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. Authorities adjudicated birth registration in a nondiscriminatory manner.

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 56 percent of girls attended primary school, compared with 66 percent of boys. Government figures indicated 11 percent of girls obtained a secondary education, compared with 21 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.

In December 2019 the National Assembly revised the children's code to clearly prohibit cruel, inhuman, or degrading treatment of children, including FGM. The revised code entered into force in March. Authorities rarely prosecuted offenders.

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 2017, according to UNICEF, 19 percent of all girls were married by age 15 and 51 percent were married by age 18.

The Ministry of Social Action for the Promotion of Women and Children, with assistance from UNICEF, developed and began to implement a national strategy for the 2020-24 period to promote the abandonment of child marriage.

Sexual Exploitation of Children: The law prescribes penalties of five to 10 years' imprisonment, a fine, or both for all forms of child trafficking, including the

GUINEA

commercial sexual exploitation of children. The law prohibits child pornography. The law does not explicitly address the sale, offering, or procuring of children for prostitution. The minimum age of consensual sex is 15. Having sex with someone younger than 15 is punishable by three to 10 years in prison and a fine. 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 victims.

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 street, 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

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation,

GUINEA

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 and dedicated schools, and access to public transportation. Buildings and transportation, however, remained inaccessible. The law prohibits discrimination in employment against persons with disabilities. 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 provided no support for placing children with disabilities in regular schools.

In December 2019 government representatives and the United Nations Development Program (UNDP) inaugurated a trade-skills training facility in Conakry for persons with disabilities. In August the Ministry of Social Action and Vulnerable People, with the technical and financial support of UNDP, hosted a three-day workshop attended by various government representatives that sought to raise awareness of persons living with disabilities and how to support them.

Members of National/Racial/Ethnic Minority Groups

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 efforts to address these problems.

In August a group of 50 to 60 youths, calling themselves the Association of the Young Heirs of Maferinyah and Coyah, attacked two families in Forecariah, leaving several injured and two dead. The families stated that the youths, displaced from local lands, believed that the land the families owned was expropriated from the native inhabitants of the area.

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

The law criminalizes consensual same-sex sexual conduct between adults, which is

GUINEA

punishable by three years in prison; however, there were no known prosecutions. 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. Antidiscrimination laws do not apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

Deep religious and cultural taboos existed against consensual same-sex sexual conduct. There were no official or NGO reports of discrimination based on sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no publicly active LGBTI organizations, although some organizations worked to raise awareness concerning HIV and AIDS and prevent human rights abuses among vulnerable communities.

HIV and AIDS Social Stigma

Laws exist to protect persons with HIV from stigmatization, but the government relied on donor efforts to combat discrimination against persons with HIV or AIDS. Government efforts were limited to paying salaries for health-service providers. Most victims of stigmatization were women whose families abandoned them after their husbands died of AIDS.

Other Societal Violence or Discrimination

In March the Forested Guinea Region and the town of N'Zerekore saw violence between largely Christian and animist Kpelle people, who supported the opposition and opposed the constitutional referendum, and the Muslim Koniake people who supported the government and the referendum (see section 1.a.). There were no investigations.

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. Authorities investigated incidents of violence. For example, in July, OPROGEM arrested six women accused of forcing seven albino children to beg in the street. As of September the women were in custody and awaiting trial. In

GUINEA

November police investigated an alleged discovery of two albino bodies in a family compound in Coyah.

Due to a lack of trust and capacity in the local judicial system, mob violence remained a widespread problem nationwide. In November 2019 a man accused of stealing motorcycles was beaten to death by an angry mob in Kankan. In April a man in Boke accused of stealing was tied to a tree by a group of men and beaten to death. Authorities opened investigations into these incidents but the outcomes were unknown.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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 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 and port workers nevertheless went on strike.

The law protects workers from antiunion discrimination. The law prohibits employers from taking union membership into consideration when considering decisions about 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.

During the January public school teachers' strike, a communications representative for a local teacher's union was removed from his position as director of studies and transferred to a new assignment in a different town by local Ministry of Education representatives. After refusing to leave his post and with the intervention of a more prominent union leader, the teacher was reinstated to his position and his

GUINEA

blocked salary returned.

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 generally operated independently of government or political party interference. Authorities did not always respect freedom of association and the right to collective bargaining.

In January authorities arrested two leaders representing the Union of Teachers and Researchers of Guinea after they failed to suspend their call for national strikes in negotiations with the government. After 10 days authorities dropped the charges of inciting violence and released the two leaders.

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 this 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

GUINEA

were the most vulnerable to trafficking (see section 7.c.). Migrant laborers represented a small proportion of forced labor victims.

In July, 268 workers in a Chinese-owned mosquito-netting factory near the town of Maferenya were held against their will for three months. According to media sources, the manager stated that the workers were detained in order to limit the spread of COVID-19 and prevent possible work stoppages. As of October authorities took no action on the case.

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. The law does not protect children in the informal sector and authorities are hesitant to pursue cases due to longstanding sociocultural norms. The law does not prohibit the worst forms of child labor. 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 law does not permit workers and apprentices younger than age 18 to work more than 10 consecutive hours at night or on Sundays; however, these rules were often not respected.

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

GUINEA

legislation.

The Ministry of Labor is responsible for enforcing child labor laws, and it conducted occasional inspections. OPROGEM is responsible for investigating child trafficking and child labor violations. After making an arrest, police transfer all information to the Ministry of Justice. The Ministry of Security has a unit specifically focused on child trafficking and child labor. Penalties were not commensurate with similar crimes.

The government did not effectively enforce the law, and inspections were not adequate. Boys frequently worked in the informal sectors of subsistence farming, small-scale commerce, street vending, shining shoes, and mining. 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 does not address discrimination based on race, color, national origin,

GUINEA

citizenship, social origin, sexual orientation, gender identity, age, language, or HIV-positive status or other communicable diseases. 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

The government set the Guaranteed Minimum Interprofessional Wage at a rate below the poverty level determined by the World Bank. The minimum wage covers all sectors, but was not applied in the large informal sector.

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 laying out 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

GUINEA

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. The informal sector included 60 to 70 percent of all workers. The law applies to the informal sector, but it was seldom enforced.

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.

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.