

GUINEA 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea is a republic. In 2010 the country inaugurated Alpha Conde, the candidate of the Rally of the Guinean People (RPG) Party and longtime opposition leader, as its first democratically elected president since independence from France in 1958. The country began its second step toward democratic transition on September 28, when voters participated in the country's first competitive and inclusive legislative election, selecting members of the National Assembly. The election took place after more than two years of delays, including violent street protests in 2012 and 2013. International, regional, and domestic observers generally regarded the legislative elections as free and fair, despite technical shortcomings. No party emerged with a majority, but the ruling party won a plurality of seats and was expected to be able to form a majority with its coalition partners. Unlike the presidential elections of 2010, the results were accepted peacefully after the Supreme Court validated the final results on November 15. On December 31, a presidential decree called the National Assembly to be seated on January 13, 2014. Authorities failed at times to maintain effective control over the security forces. Despite tighter rules of engagement and a prohibition on the use of lethal force during street protests, elements of the security forces on occasion acted independently of civilian control. Security forces committed human rights abuses.

The most significant human rights advances included the first competitive and inclusive legislative elections in the country's history.

The most serious human rights problems included: security force killings and use of excessive force against demonstrators; arbitrary arrest and detention, including long periods of pretrial detention and denial of fair trials; and life-threatening prison and detention center conditions, resulting in deaths.

Other human rights problems included: arrest and indefinite detention of opposition party supporters; security force attacks on the homes and offices of opposition leaders or supporters; arbitrary interference with family and home; restrictions on freedoms of the press and assembly; corruption at all levels of government; violence and discrimination against women and girls, including forced and early marriage and female genital mutilation/cutting (FGM/C); discrimination against children, persons with disabilities, and members of certain ethnic groups; human trafficking; and forced labor, including by children.

Impunity remained a problem. The government took minimal steps to prosecute or punish officials who committed abuses during the year or in years past.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings.

At least 30 persons were killed in Conakry, including several by security forces, during political protests between February and May. Authorities did not conduct any investigation.

On April 25, gendarmes allegedly shot and killed 16-year-old Boubacar Diallo. The president and the Ministry of Justice promised to investigate the killing. Despite several witnesses and other evidence, authorities did not conduct an investigation into Diallo's killing or any other deaths during the protests.

Separately, authorities did not conduct an investigation into the outbreak of violence that left as many as 200 dead in N'Zerekore, Beyla, and Koule in July. Security forces were not implicated in this communal violence but were criticized for their late, ineffective response.

Impunity persisted for grave abuses perpetrated by state actors in years past, including the security force killings of between 137 and 186 demonstrators in early 2007, presidential guard killings of at least 150 demonstrators, and the rape of 109 women and girls in the 2009 stadium massacre. In June authorities indicted Colonel Claude Pivi, an alleged leader of the stadium massacre. He oversaw the presidential security forces at the time of the massacre and allegedly gave the order to open fire on the crowd. Pivi remained in his position as the head of President Conde's security detail. Another alleged ringleader, Colonel Moussa Tiegboro Camara, who was indicted in 2012, continued to lead an office to combat drug trafficking and organized crime. Shortly after Pivi's indictment, President Conde enlisted Pivi and Tiegboro to help quell social unrest in July in the N'Zerekore region. Tiegboro remained there to supervise election security in September. By year's end only one person had been tried and convicted for the stadium massacre, and a lower-level gendarme was convicted in May of raping a woman during the massacre. None of the bodies reportedly buried by security forces in mass graves had been exhumed.

b. Disappearance

There were no reports of politically motivated disappearances.

The government continued to take no action to investigate the disappearance of dozens of prodemocracy demonstrators following the 2009 stadium massacre. The Association for the Victims of September 28 estimated that 84 persons were missing and presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices, government officials continued to employ them with impunity. Security force personnel used violence to quell demonstrations and punish participants and leaders, resulting in deaths and numerous injuries (see sections 1.a. and 2.b.).

Abuse of prisoners was common. Guards tortured, beat, raped, and otherwise abused detainees, including children. Guards coerced some women into exchanging sex for better treatment. These victims later gave birth to children who were reared in prison. Human rights activists noted that the most egregious abuses occurred during arrest or in gendarme detention centers.

On the night of September 24 and morning of September 25, police and gendarmes rounded up and arbitrarily arrested 33 persons in Conakry, held them overnight at a gendarme detention facility, and then transported them by truck 375 miles to Soronkony Military Camp near Kankan. Authorities held them incommunicado for a week at Soronkony before some prisoners contacted human rights groups and a lawyer in Conakry. Authorities released 31 of the prisoners 10 days after their arrest and after the lawyer contacted the human rights minister and filed a complaint in Conakry's court of appeal. The victims claimed to have been beaten and threatened with death and torture during their detention. One prisoner died soon after his release. The UN Office of the High Commissioner for Human Rights in Guinea (UNOHCHR) stated the prisoner died as a result of injuries caused by abuse while in detention. Officials transferred the two remaining prisoners to Conakry Central Prison, held them for more than a month, and denied them medical treatment until the Red Cross was alerted to their plight. Authorities finally released the two on probation in November.

Prison and Detention Center Conditions

Conditions in civilian prisons, which were under the Ministry of Justice, remained harsh and life threatening. Abuse, poor sanitation, malnutrition, disease, and lack of medical attention resulted in at least 15 deaths. Prison guards routinely threatened, beat, and sometimes tortured prisoners to extract confessions or extort money. Conditions in gendarmerie detention centers were reportedly worse than in civilian prisons. Torture, beating, bribery, and intermingling of minors, women, and men continued to be problems at detention centers.

Physical Conditions: Authorities held prisoners in two separate systems. Suspects who were arrested were usually taken to gendarmerie detention centers where they are supposed to be held not more than 48 hours (renewable once) and then either charged or released. If charged, they should then either be freed on bail or transferred to a civilian prison for a pretrial detention period limited to four to six months, renewable for up to one year. Detainees were often held without charge beyond the 48-hour period in gendarmerie centers and held indefinitely without trial in civilian prisons, where they were housed with convicted prisoners.

All prisons and detention centers were overcrowded. Conakry Central Prison, for example, with a capacity of 300 persons, held approximately 1,890 persons as of September 30. The nongovernmental organization (NGO) Equal Rights for All (MDT) and the UNOHCHR estimated approximately 2,600 prisoners were incarcerated in 30 civilian prisons nationwide. Official statistics on incarcerated minors held nationwide were unavailable. At midyear Conakry Central Prison held 119 minors in a separate section of the prison. Of these, 34 had been convicted of crimes, 16 had been detained during political protests, and the rest were being held indefinitely as they awaited trial for other reasons. They were housed in one building with triple bunk beds. Prisoners stated they had to sleep on the floor, either due to overcrowding or because it was too hot on the upper bunks due to the building's metal roof. Family members provided food and medicine after they paid guards to give them access. Prisoners did not have access to hospital treatment. The government did not keep statistics on the number of prisoners held in gendarmerie detention centers.

In some prisons outside of Conakry, men and women were intermingled. Officials generally held juveniles with adults in prisons outside the capital. The country did not have a juvenile detention system. Men, women, and children were intermingled at gendarmerie detention centers, sometimes with women sleeping in hallways outside the prison cells. Authorities did not separate pretrial detainees

from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest.

Gendarmerie detention facilities were intended to hold civilian detainees for not more than two days as they awaited court processing, but such “temporary” detention could last anywhere from a few days to several months. The government routinely suspended habeas corpus. As in prisons, gendarmerie facilities were dank and fetid. Access to medical care was inadequate.

Lack of medicine in prisons, combined with endemic malnutrition and dehydration, made infection or illness life threatening. In several regions authorities held prisoners with tuberculosis together with uninfected inmates. The Ministry of Health did not carry out an agreement with international NGOs to provide medical treatment to prisoners. Prisoners relied on family members, charities, or NGOs to bring medication, but visitors often had to pay bribes to provide the medicine to prisoners. Prisoners were sometimes close to death before they received treatment. The MDT estimated at least 12 prisoners died during the year in Conakry’s Central Prison due to malnutrition or lack of medical treatment for diseases such as tuberculosis. One prisoner died of liver failure in Kouroussa Prison. NGOs concluded that any prisoner with a severe disease would likely die in prison due to lack of medical care.

Neglect, mismanagement, and lack of resources were prevalent. Toilets did not function, and prisoners 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. Temperatures were stifling, and electricity was insufficient. Although some prisons replaced tin roof panels with transparent ones, most prisons were dark. The UNOHCHR and NGOs noted that treatment at gendarmerie detention centers was much worse than in prisons, since the detention centers were not intended to house prisoners for long-term stays. For example, gendarmerie detention centers had no set system for meals or medical treatment.

NGOs reported endemic malnutrition throughout the prison system, which did not generally provide food or medicine to inmates, although authorities provided food at the Conakry Central Prison. Prison directors relied on charities, the International Committee of the Red Cross (ICRC), and NGOs to provide food for inmates. The Conakry Central Prison claimed it had begun offering two meals a day to all inmates in 2011. NGOs disputed that claim, saying prisoners in Conakry and elsewhere still received only one meal per day and many still relied on food from outside sources. Inmates relied on assistance from families or friends to

maintain their health, but relatives often abandoned prisoners due to the difficulty and cost of travel to the prisons. Guards often demanded bribes for delivering food or medication to inmates and routinely confiscated prisoners' food.

Although the Ministry of Justice administered civilian prisons, some prisoners exercised more power than the guards, controlling conditions and cell assignments and providing better conditions to prisoners who were able to pay. There were reports that some prison administrators followed directives from their military or gendarme superiors, even when they conflicted with orders from the Ministry of Justice. Sometimes the court would order prisoners released, but guards would not release them until they paid bribes.

Administration: Authorities did not use alternatives to incarceration for nonviolent offenders. Prison recordkeeping was inadequate. If prisoners paid bribes for their release, records of their arrest would often be "lost." There were no ombudsmen to respond to complaints. An inspector-general of prisons with the Ministry of Justice was supposed to field complaints. There was a mosque and chapel at Conakry Central Prison. Prisoners could pray at normal prayer hours in the mosque or in their cells if the mosque was full. A priest visited the prison for regular Christian prayer sessions in the chapel. The MDT stated religious practice was restricted at other prisons. Prisoners and detainees have the right to submit complaints but seldom did so due to fear of reprisals by prison guards and the gendarmerie. They must also use a lawyer to file a complaint, but lawyers were scarce and expensive. Prison authorities did not investigate credible allegations of inhumane prison conditions. For example, four police officers were accused of torturing Djalla Moris to death in detention at the commissariat at the Port of Conakry in August 2011. The case was pending at the court of Kaloum, and the prosecutor had not executed the arrest warrant as instructed by the court.

Independent Monitoring: The government permitted prison visits by local humanitarian and religious organizations that offered medical care and food to those in severe need. The ICRC had regular access to all civilian detention facilities and continued partnership programs with prison and security authorities to improve civilian prison conditions. The government also allowed international organizations and NGOs access to detention centers operated by the gendarmerie. Conditions in military prisons, which were under the Ministry of Defense, could not be verified, since the government denied access to prison advocacy groups and international organizations. Although the military claimed it did not hold civilians at military prisons, Camp Soronkony was used to house prisoners (see section

1.c.), and interviews with a former detainee in October indicated the government also housed civilian prisoners at a military camp on Kassa Island.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices, but the government did not always observe these prohibitions. Security forces arrested demonstrators without warrants and held detainees without charge for days, weeks, months, and years beyond legal limits. After protests early in the year, gendarmes pursued and arrested several hundred persons in their homes, in their places of work, and on the streets.

Authorities routinely arrested and held without charge members of the opposition Union of Guinea's Democratic Forces (UFDG) before, during, and after authorized protests. Authorities held more than 100 opposition supporters indefinitely, including 15 minors, but released them all eventually after a political agreement with the ruling party on July 3.

On September 24-25, police and gendarmes arbitrarily arrested 33 persons in Conakry, held them overnight at a gendarme detention facility, and then drove them to Soronkony Military Camp near Kankan. Authorities held the detainees incommunicado for a week at Soronkony.

Authorities arrested dozens of persons arbitrarily in the days leading up to and after the September 28 legislative elections.

Role of the Police and Security Apparatus

The gendarmerie, a part of the Ministry of Defense, and the National Police, under the Ministry of Security, share the ill-defined responsibility for internal security. The army is responsible for external security but also plays a role in domestic security. The Ministry of the Interior set up a 12,000 member Special Force to Secure Legislative Elections (FOSSEL) made up of gendarmes and police to ensure security before, during, and after the election. Some army units, however, were seen patrolling streets on election day. The law permits the military, FOSSEL, the gendarmerie, and police to make arrests, although only the gendarmerie can arrest members of the military and police. There are also special police or gendarmes units, such as the Anti-Criminal Bureau and the Secretariat General of the Presidency in Charge of Special Services in the Fight against Drugs and Organized Crime. The mandates of these units are not clear.

There was progress with security sector reform. While police remained ineffective, poorly paid, and inadequately equipped, the gendarmerie received improved training and equipment. Strict rules of engagement for protest marches were put into place, with standing orders to allow destruction of property, even to include police stations, rather than use lethal force. Gendarmes and other units were not issued live ammunition. There were multiple reports of security service units disregarding their orders and resorting to excessive force.

Corruption remained widespread (see section 4). Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Many citizens viewed the security forces as corrupt, ineffective, and dangerous. There were limited internal and external mechanisms to investigate security force abuse, but these mechanisms were ineffective due to a lack of professionalism and skills, and a dysfunctional civil justice system.

After the presidency worked with opposition leaders, the human rights and public liberties minister, the gendarmerie, and the diplomatic community, peaceful protests occurred on February 18. While officials authorized successive protests later in February, April, and May, they often turned violent, resulting in injury, death, and arbitrary arrest. The country continued to work towards returning the army and other military to the barracks. Uniformed military rarely appeared on the streets of Conakry, and their weapons were kept in secured armories. Heavy military equipment was not in plain view.

The UNOHCHR conducted human rights and democratic civilian control training during the year with 560 police, gendarmes, customs officers, and forest rangers in eight of the country's regions.

There were instances in which security forces failed to prevent or respond to societal violence. For example, more than 100 persons were killed after an outbreak of violence in the town of Koule spread to N'Zerekore and Beyla on July 15. Local authorities were accused of either participating in the violence or ignoring calls for help that could have lessened or averted the tragedy. Local police and gendarme could not stop the violence, and President Conde sent Colonels Pivi and Tiegboro (see section 1.a.) to the region, by which time local clerics, traditional leaders, and community activists had succeeded in calming the situation.

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

Arrest Procedures and Treatment of Detainees

Although the law requires a warrant to make an arrest, police arrested many persons without warrants. The law also provides that detainees be charged before a magistrate within 48 hours, renewable once if authorized by a judge, but many detainees were held for longer periods. In cases involving national security, the law allows the length of time to be doubled to 96 hours, renewable once. The UNOHCHR noted some improvement in adhering to the 48-hour regulation, but violations persisted.

The law precludes the arrest of persons in their homes between 9 p.m. and 6 a.m., but night arrests occurred. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities must inform detainees of charges against them within 48 hours. Authorities routinely ignored the legal provision entitling defendants to an attorney and did not provide indigent defendants with an attorney at state expense. Although the law prohibits incommunicado detention, it occurred. Release on bail was at the discretion of the magistrate who had jurisdiction. The law allows detainees prompt access to family members, but such access was sometimes denied or allowed only if an official was present, or if the family member paid a bribe for access.

Arbitrary Arrest: Security forces arbitrarily arrested scores of demonstrators during the year. Many arrests took place without warrants and in violation of other due process protections provided in the law. Authorities often released protesters believed to be ruling party supporters upon arrest, while detaining opposition supporters indefinitely.

Pretrial Detention: Authorities held approximately 65 percent of prisoners in indefinite pretrial detention. They often held pretrial detainees three years or more before trial completion, and sentencing or release. Judicial inefficiency and corruption contributed to the long delays.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system lacked independence and was underfunded, inefficient, and overtly corrupt. Budget shortfalls, a shortage of qualified lawyers and magistrates, an

outdated and restrictive penal code, nepotism, and ethnic bias limited the judiciary's effectiveness. For example, Mamadou Bilo Barry remained in "pretrial detention" since his arrest in 2001 for theft, and his lawyer claimed he had not been able to get a trial because "the court lost his file." Regularly scheduled criminal trials with the Cour d'Assise (High Crimes Court) had not been held in almost seven years before they began again in 2012. It only met once during the year. The court is supposed to meet three times per year to try all "high crimes." Domestic court orders were often not enforced.

In 2012 the government provided additional resources for investigating the 2011 assassination attempt on President Conde. The case did not come to trial until 2013, and it concluded in July. Authorities held more than 40 defendants for two years without bail. At the trial's conclusion, 16 were convicted, some were released for time served, and others were acquitted and released. Exiled UFDG Vice President Bah Oury was convicted in absentia and sentenced to life in prison, in what critics and some NGOs called a politically motivated decision. The trial was the only major criminal case to come before the High Crimes Court during the year.

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, a 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 ensure 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.

Trial Procedures

Trials are public, and juries are used for criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. 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, although these rights were not consistently observed. Defendants must be informed in detail

of the charges, with free interpretation as necessary, and be charged within 48 hours or released, although this requirement was not always followed. Defendants generally had adequate time but not the facilities, such as access to a lawyer, to prepare a defense. Most cases never came to trial. A defendant should not be held for more than six months to a year (depending on the charge) before trial. Authorities frequently denied defendants these rights.

Arrest and detention was arbitrary, and there were not enough lawyers and judges to try cases in a timely fashion. In the Court of First Instance, where most trials were held, due to a lack of qualified practitioners, one magistrate or judge could serve as the prosecutor, investigator, and judge. 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, although often in the presence of prison guards or gendarmes. The defendants were not compelled to incriminate themselves, but torture in detention centers undermined this protection.

Trial procedures (if any) were chaotic and inadequate for the hundreds arrested in the wake of the February-June demonstrations. The president asked for their release after an agreement with the opposition in July, and authorities released most detainees by September.

Political Prisoners and Detainees

In addition to the arrests of demonstrators, the UFDG reported that several of its members were arrested arbitrarily before protests in an attempt to deter others from taking part. For example, opposition youth organizer Mamadou Bailo Diallo was detained in advance of a planned April protest and was held indefinitely at a gendarmerie detention center. He claimed to have been abused.

The UFDG also claimed its members routinely were targeted for arbitrary arrest after protests even if they were not involved. Arrests at protests tended to focus on opposition supporters. If arrested, authorities often released government supporters while opposition supporters remained in detention or were forced to pay bribes for their release.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations. Nevertheless, the judicial process was neither independent nor impartial, and bribes and political and social status often influenced decisions. There were few lawsuits seeking damages for human rights violations during the year, in part due to public fear of suing security force members and lack of confidence in the competence and impartiality of the judiciary.

Authorities took no action on the few cases that were brought forward. For example, the Research Institute on Democracy and Rule of Law, a local pro bono law firm, filed a complaint on February 19 on behalf of Mamadou Phoyi Barry, whom gendarmes allegedly detained arbitrarily and beat. Despite having the names of individuals involved, authorities took no action.

Domestic court orders were often not enforced.

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

Although the constitution and law provide for the inviolability of the home and legal searches require judicial search warrants, police reportedly ignored legal procedures in the pursuit of criminal suspects or when it served their personal interests.

Prisoners detained after the February-June protests described being taken from their homes at all hours, having their personal belongings taken (notably cell phones), and being asked for payment to be released on the spot or from the gendarmerie. Gendarme and police also reportedly raided the homes of opposition supporters after protests.

On June 19, police and gendarmes attacked the home of UFDG leader Cellou Dalein Diallo as he was returning home from a court proceeding.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and of the press, the government imposed some restrictions on press freedoms.

Press Freedoms: Independent and opposition-owned media were active and generally expressed a wide variety of views. Print media had limited reach due to the low literacy rate (41 percent) and the high cost of newspapers. 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 very popular and allowed citizens to express broad discontent with the government. Nevertheless, allegations of personal corruption or statements regarded as “insulting” led to government reprisals, including suspensions and fines. There were some reports of state censorship through journalist harassment and station closures.

On July 16, the Ministry of Communications suspended the broadcasts of N’Zerekore Radio Liberty for 72 hours, following an outbreak of deadly violence in the region. Most of the broadcasts were in the local languages of the Forest Region, and it was unclear if broadcasts included “hate speech” or other appeals to violence.

Violence and Harassment: There were reports of direct physical attacks, harassment, and intimidation of journalists by government and military officials. For example, during protests at the beginning of March, security forces entered the offices of Planet FM, a popular opposition-owned radio station, and demanded on air that the station stop broadcasting. Later, someone fired gunshots at the radio station during a live interview with an opposition leader.

Journalists often reported civilian attacks on them and destruction of their property at protests. For example, on August 19, progovernment demonstrators ransacked Bate FM in Kankan following the station’s reporting on protests against President Conde’s visit to the city. The station’s director, Moussa Diawara, reportedly fled to Mali.

Censorship or Content Restrictions: The government penalized stations and journalists who broadcast items criticizing government officials and their actions. For example, on May 30, the National Communication Council announced a 30-day suspension of Planet FM, citing an outdated 1991 law that criminalized defamation of the government. The station reopened following a Supreme Court ruling on June 7 in favor of Planet FM.

Some journalists accused government officials of attempting to influence the tone of their reporting with inappropriate pressure and bribes. Others hired bodyguards, and many practiced self-censorship.

Libel Laws/National Security: Libel against the head of state, slander, and false reporting are subject to heavy fines. Officials used these laws to harass opposition leaders, including UFDG President Cellou Dalein Diallo and RDIG (Coming together for the Integral Development of Guinea) Party President Jean-Marc Telliano. Diallo was charged with libel for accusing the director of the National Social Security Fund, Malick Sankhon, of “paying ruling party thugs” to attack opposition protests. Although the charge was dismissed on June 19, police and gendarmes attacked Diallo’s house. Authorities did not hold anyone accountable. Similarly, Telliano was brought to court several times for publicly claiming President Conde was not born in Guinea.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without appropriate legal authority. Although telecom companies expanded internet service during the year, less than 1.5 percent of individuals had access to the internet during the year.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly. The country made progress in respecting freedom of assembly, yet restrictions remained. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The government requires 72-working-hour advance notification for public gatherings. Unlike in years past, the government permitted opposition parties to hold mass protests in Conakry as long as they submitted a request in advance and the planned route was agreed with authorities. The law permits local authorities to prohibit a demonstration or meeting if they believe it poses a threat to public order. Authorities may also hold event organizers criminally liable if violence or destruction of property occur.

The first of these authorized protests occurred peacefully on February 18. Later protests throughout the year, however, turned violent when ruling party supporters

clashed with protesters. As gendarmes attempted to restore order, an estimated 30 persons were killed and hundreds more injured during eight major protests in Conakry. The protests degenerated into several days of looting or reprisal clashes between ruling party supporters, opposition supporters, and security forces.

Unlike in years past, the government did not rely on the army to restore order. Instead, gendarmes and police conducted crowd control and riot prevention. Gendarmes and police killed some protesters. There were no investigations.

Freedom of Association

The constitution provides for freedom of association, and authorities 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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, stateless persons, and asylum seekers.

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

In June 2012 the government announced the elimination of all roadblocks on the highways but declared it would maintain checkpoints along the borders and on certain strategic routes in Conakry. Police and gendarmes, however, set up random checkpoints throughout the capital and the country and 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. High-level government officials acknowledged the practice continued but claimed to be powerless to stop it.

Internally Displaced Persons

Interethnic violence in parts of the country occasionally resulted in limited internal displacement. Humanitarian organizations were able to access these populations and provided assistance.

Protection of Refugees

The country hosted refugees from neighboring countries, including Cote d’Ivoire, Liberia, Sierra Leone, and Mali. As of June 30, the UNHCR estimated the total population of concern to be 10,466 persons, including more than 6,500 Ivoirians. The country was also home to 191 UNHCR-recognized refugees from Sierra Leone and fewer than 100 from Angola, Burundi, the Central African Republic, Chad, the Democratic Republic of the Congo, the Republic of the Congo (Brazzaville), Ethiopia, the Gambia, Nigeria, Palestine, Rwanda, Somalia, Togo, Uganda, Iraq, and Mali.

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.

Durable Solutions: In June 2012 the UNHCR invoked the cessation clause for Liberian refugees, terminating their prima facie refugee status. The UNHCR and the government subsequently began assisting the local integration of Liberians or facilitating their voluntary return to Liberia. By the end of 2012 the UNHCR ended large-scale repatriation of Liberian refugees. Fewer than 3,600 Liberians remained in Guinea. During the year the UNHCR and the governments of Guinea and Liberia worked to ensure the timely issuance of passports for Liberian refugees opting to integrate in Guinea. These passports would allow Liberians to regularize their immigration status in Guinea and gain permanent resident status. In cooperation with the government, the UNHCR planned to provide limited assistance to locally integrating Liberians, such as small plots of land, letters of introduction to small businesses, resident cards, and microfinance loans. Some Liberians applied to maintain their UNHCR refugee status. If granted, they would receive access to legal assistance and medical care as well.

Temporary Protection: The government continued to provide temporary protection to approximately 65 individuals of various African nationalities who may not qualify as refugees under the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.

Stateless Persons

According to the UNHCR, as of November there were an estimated 800 effectively stateless persons from Sierra Leone. These persons did not meet any of the criteria for Guinean citizenship, which include birth within the country, marriage to a citizen, naturalization, or citizen parental heritage. The UNHCR explained that these refugees requested neither repatriation nor local integration after the invocation of the cessation clause for refugees from Sierra Leone. Some of this population lived in abandoned refugee camps, while others moved from former refugee sites in Kissidougou to artisanal gold-mining areas in the northeast of the country. The UNHCR stated there were also some stateless persons, most likely from Mauritania, who moved to the country through Senegal.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, yet citizens were restricted in their ability to exercise this right. According to the transitional provisions agreed by political parties in 2010, legislative elections should have been held in or close to January 2011. Delayed completion of the 2010 presidential election rendered this date unfeasible, and legislative elections continued to be postponed due to disagreement between the government and opposition parties over the composition of the Independent National Electoral Commission (CENI), the voter registration system, and other procedural issues. After months of protest, however, a breakthrough occurred at the beginning of July, laying the groundwork for legislative elections on September 28. Those elections took place peacefully in what domestic and international observers considered a technically flawed yet free and fair election.

Elections and Political Participation

Recent Elections: After more than two years of delay, citizens voted in the country's first competitive and inclusive legislative election on September 28. Elections had been scheduled to take place on May 12, and then June 30, but waves of violent protests led to postponement. A political agreement on July 3 led

to elections being scheduled for September 24. After a final delay, more than three million citizens went to the polls peacefully on September 28. While there were reports of technical and logistical difficulties as well as a lack of voter and poll worker education, domestic and international observers largely regarded the election as free and fair.

The ruling RPG party won 53 seats in the National Assembly, with the two main opposition parties taking a combined 47 seats--UFDG 37, and the Union of Republican Forces (UFR) 10. Support from smaller parties gave the RPG a majority of 59 seats in the 114-seat assembly, versus 55 seats for the UFDG, UFR, and their partners. Voter turnout was 64 percent, and more than 3.3 million citizens voted. The National Assembly was expected to replace the National Transitional Council (CNT), which had been in place for nearly three years as an acting legislature with limited power. On December 31, a presidential decree called the National Assembly to be seated on January 13, 2014.

Political Parties: There were no official restrictions on political party formation beyond registration requirements. Parties were not allowed to represent only one region or one ethnicity. According to the Ministry of Territorial Affairs and Decentralization, there were an estimated 140 registered political parties. Only 29 parties actually registered candidates for the September legislative elections.

Opposition access to state media was usually limited or nonexistent throughout the year. During the legislative election campaign, however, the government instituted and adhered to an equal access policy for all parties, granting all parties the same amount of time to broadcast messages on national television and Rural Radio. The opposition had more access to private media and in some cases owned their own radio stations and newspapers. On election day all radio stations agreed to work together and broadcast the same news programs and updates throughout the day.

Participation of Women and Minorities: There were 36 women on the 155-seat CNT, including the CNT president. Five of 38 cabinet ministers were women. Minority ethnic groups were represented in the CENI, the CNT, and the cabinet. The electoral code requires 30 percent of candidates for any party competing for seats in the National Assembly to be women. Not every party adhered to this rule, which was not enforced.

On September 28, a total of 25 women won seats in the National Assembly, including 11 from the ruling party and 14 from the opposition.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption continued to be a severe problem. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency.

A poll by Afrobarometer and Stat View International of 1,200 citizens from 2011 to 2013 found that 57 percent of the respondents reported paying a bribe within the past 12 months. A separate survey by the National Agency to Fight Against Corruption (ANLC), Open Society Initiative West Africa, and Transparency International found that among private households 61 percent of the respondents stated they were asked to pay a bribe for national services and 24 percent for local services. Furthermore, 24 percent claimed to have paid traffic-related bribes to police, 24 percent for better medical treatment, 19 percent for better water or electricity services, and 8 percent for better judicial treatment.

Corruption: The ANLC, created in 2004, is the only state agency focused solely on fighting corruption. It is part of the Ministry of Economy and Finance within the presidency and was not independent. In 2012 it requested autonomy from the ministry in order to become an autonomous agency reporting directly to the presidency, but no action had been taken by year's end. Like most government agencies or commissions, it claimed to be underfunded.

The Bureau of Complaint Reception fields anonymous tips forwarded to the ANLC. Investigations and cases must then be prosecuted through criminal courts. During the year there were no prosecutions as a result of tips.

Anecdotal evidence suggests businessmen were asked to pay for meetings with government officials and were asked to make payments for government services that were neither required nor accounted for. Guards at government buildings at times asked for "tips" to permit persons to enter for previously scheduled meetings.

The government attempted to make an important case with regard to the handling of iron ore concessions awarded to BSG Resources (BSGR) in the Simandou region. The government exerted efforts to identify and try allegedly corrupt officials who played roles in accepting bribes in the scandal. In April authorities

arrested two of BSGR's local managers, Sory Toure and Issaga Bangourain, and detained them in the central prison. An additional arrest was made overseas, and an investigation was underway at year's end.

Security force corruption was endemic. Police and gendarmes ignored legal procedures and extorted money from citizens at roadblocks, in prisons, and in detention centers. The government reduced the number of road checkpoints, but traders, small business operators, drivers, and passengers were still obliged to pay bribes in order to pass.

The judicial system was endemically corrupt. Magistrates were civil servants with no assurance of tenure, and judicial authorities routinely required bribes in exchange for favorable rulings. Gendarmes, police, and prison guards offered to release prisoners in exchange for bribes, including prisoners to whom the courts had already granted release.

Business leaders asserted that regulatory procedures were opaque and facilitated corruption.

Ministry of Economy and Finance official and anticorruption activist Aissatou Boiro was shot and killed in her car in November 2012, allegedly for her anticorruption efforts. Authorities arrested two persons in December 2012 and charged them with the killing. They remained in pretrial detention.

Whistleblower Protection: There are no whistleblower protection laws.

Financial Disclosure: Public officials are not subject to public disclosure laws. The electoral code bars persons from certain types of financial activity if they are members of or candidates for the National Assembly. They may not be paid by a foreign state; be the chief executive officer, his or her deputy, or the president of a company under state control; or be a shareholder in an enterprise under state control or reliant on state subsidies or other state benefits.

Public Access to Information: Although in 2010 the CNT adopted a law providing free access to government information, free access was not regularly provided. Lower-level bureaucrats often did not respond to requests in a timely fashion, if at all. Government websites and other files either did not function well, did not provide much information, or were not easily searchable.

The 2011 Mining Code commits the government to increasing transparency by awarding mining contracts through competitive tender and publishing all mining contracts for public scrutiny. The law prohibits members of governing bodies in the mining sector and employees of the Ministry of Mines from owning shares in mining companies or their subcontractors active in the country. Each mining company must sign a code of good conduct and develop and implement a corruption-monitoring plan.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 but with limited capacity. NGOs are required to renew their permits with the government every three years.

Despite the government's willingness to meet with and listen to NGOs on human rights, it did not often act on their requests or suggestions. For example, the government continued to ignore a request from human rights groups and the international community to dismiss or place on administrative leave government officials indicted in connection with the 2009 massacre.

Government Human Rights Bodies: The government established its first Ministry of Human Rights and Public Freedoms in October 2012 and named Diaby Gassama Kalifa as the first human rights and public freedoms minister. The ministry's purpose is to promote human rights awareness and fight impunity. By July the ministry had a staff of 12 and a budget of 9.997 billion Guinean francs (GNF) (\$1.44 million). The minister facilitated the holding of opposition protests in February and helped win the release of persons arbitrarily arrested in September and transferred to Camp Soronkony.

The ministry is not fully independent, since it reports to the presidency. The constitution requires the government to create an independent human rights commission six months after the National Assembly meets, but as of year's end the National Assembly was not yet seated. While NGOs called the new ministry an important step, they considered it more an effort to raise awareness until an independent national commission is established.

The Provisional Commission for National Reconciliation, established in 2011 to promote reconciliation for human rights abuses committed since independence,

continued to operate. Lack of financial support and delayed legal proceedings prevented the commission from achieving significant objectives during the year.

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

Although the law states that all persons are equal before the law regardless of race or gender, the government did not enforce these provisions uniformly. The law does not provide antidiscrimination protections for persons with disabilities or based on sexual orientation and/or gender identity.

Women

Rape and Domestic Violence: Rape and domestic violence are criminal offenses but were rarely prosecuted and occurred frequently. Violence against a woman causing an injury is punishable by up to five years in prison and a fine of up to 30,000 GNF (\$4.30). If the injury causes mutilation, amputation, or other loss of body parts, the time in prison could rise to 20 years. If the crime results in loss of life, it could result in life in prison. Rape is punishable by five to 10 years in prison. When rape is committed against a pregnant woman, if a gun is used, if an accomplice is involved, or if it involves incest, the maximum penalty rises to 20 years. Police records indicated that a police division called the Office for Protection of Women, Children, and Morals (OPROGEM) had brought 25 rape cases through June.

Spousal rape is neither punished nor regarded as a criminal offense. Social customs and fear of being ostracized prevented most victims from reporting incidents of rape. According to a 2003 study, the most recent available, victims of sexual assault constituted more than 20 percent of women treated in a local hospital. A study by the Ministry of Social Affairs and the Promotion of Women and Children estimated that 87 percent of all women had been victims of domestic violence. The survey estimated that 49.6 percent of girls and women ages 15 to 49 were victims of sexual violence by their regular sexual partner.

Due to fear of stigmatization and reprisal, women rarely reported abuse. The law does not directly address wife beating, although charges can be filed under general assault, which carries sentences of two to five years in prison and fines of 50,000 to 300,000 GNF (seven to 43 dollars). Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished.

Female Genital Mutilation/Cutting (FGM/C): See section 6 Children--Harmful Traditional Practices.

Sexual Harassment: Article 20 of the constitution prohibits harassment based on sex, race, ethnicity, political opinions, or other grounds. The labor code, however, contains no provisions prohibiting sexual harassment in the workplace. Women working in the formal sector in urban areas complained of frequent sexual harassment, but employers did not penalize the perpetrators.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children and generally had access to information on how to do so without fear of discrimination, coercion, or violence. In 2010 the maternal mortality ratio was 610 deaths per 100,000 live births. Only 9 percent of women of reproductive age used a modern method of contraception, and only 30 percent had their demand for contraception satisfied, according to the UN Population Fund (UNFPA). Health care for pregnant women was free and included limited access to skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care. A government survey estimated that 85 percent of women received prenatal care, and 45 percent had a skilled birth attendant present during childbirth, but only 40 percent of babies were delivered at a health facility or hospital. Cultural norms and taboos reportedly dissuaded individuals from taking advantage of opportunities to learn about reproductive health or seek health services for sexually transmitted infections.

Discrimination: The law generally provides for equal treatment of men and women, although it discriminates against women in inheritance. Women routinely experienced discrimination in employment, pay, and education. For example, a 2011 study from the International Labor Organization (ILO) estimated that two times as many men received secondary education as women. Traditional law discriminates against women and sometimes took precedence over formal law, particularly in rural areas.

The Ministry of Social Affairs and the Promotion of Women and Children worked to advance legal equality for women, who faced discrimination throughout society, particularly in rural areas, where opportunities were very limited. According to the Organization for Economic Cooperation and Development (OECD), women under traditional law are entitled to hold land only under an agreement basis, which authorizes them to work family-owned land and draw a wage but not to own it. Women had difficulty obtaining loans, according to the OECD.

Government officials acknowledged that polygyny was common. Divorce laws generally favor men in awarding custody and dividing communal assets. Legal testimony given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. Although the law requires equal pay for equal work, women received lower pay than men for similar work.

Children

Birth Registration: Citizenship can be derived by birth within the country, marriage, naturalization, or parental heritage. The government did not register many births in the past, and therefore many children lacking birth certificates were denied access to school and health care. The government was in the midst of a five-year plan to register all children under eight years old by 2015. The government stated it had registered 65 percent of all births during 2012.

Education: Government policy provides for tuition-free, compulsory primary education for six years. Secondary school is not compulsory, leading most children who attended primary school to finish school at age 13. While girls and boys had equal access to all levels of primary and secondary education, social norms and practices resulted in significantly lower girls' attendance rates at the secondary level. Government figures indicated 11 percent of girls obtained secondary education, compared with 21 percent of boys. At the primary level 56 percent of girls attended primary school, compared with 66 percent of boys. Sexual harassment, demand for girls' labor at home, child marriage, and other factors lowered attendance of female students.

Child Abuse: Child abuse was a problem. OPROGEM reported or discovered two cases of child abuse during the year, but this number was believed to understate vastly the true incidence of child abuse. The numbers for these types of cases tended to be underreported, since most domestic violence was either ignored or dealt with at the community level.

Forced and Early Marriage: The legal age for marriage is 21 years for men and 17 years for women, but tradition permits marriage at age 14. Early marriage was a problem. Parents contracted marriages for girls as young as 11 years of age in Middle Guinea and the Forest Region. According to the Inter-African Committee on Traditional Practices, forced marriage of women and girls was common. There were no reported prosecutions of child marriage during the year. According to the UNFPA 63 percent of women 20 to 24 years old were married before the age of 18.

Harmful Traditional Practices: Female genital mutilation/cutting is illegal, and the law provides for a penalty of three months in prison and a fine of approximately 100,000 GNF (\$14.40). OPROGEM prosecuted one case during the year. FGM/C was practiced widely in all regions and among all religious and ethnic groups, primarily on girls between the ages of four and 17. The most common form of FGM/C is excision, which involves the partial or total removal of the clitoris and the labia minora (Type II, according to the World Health Organization's classification). Infibulation, the most dangerous form of FGM/C, rarely was performed. The Coordination Unit on Traditional Practices Affecting the Health of Women and Children (CPTAFE) reported high rates of infant and maternal mortality due to FGM/C. According to a new study from the UN Children's Fund (UNICEF) using 2011 data from the Demographic and Health Survey, 100 percent of women ages 45-49 had undergone FGM/C. The rate declined to 89 percent for girls and women ages 15 to 19. The study indicated 80 percent of all female victims of FGM/C underwent the process before the age of 10. Anecdotally, CPTAFE reported that the rate among girls under 18 was declining and expected the trend to continue. While NGO programs with CPTAFE, the NGO Population Services International, the NGO Search for Common Ground, and others helped raise awareness, government efforts to stop FMG/C did not increase during the year.

The government cooperated with NGOs in their efforts to eradicate FGM/C and educate health workers, state employees, and citizens on the dangers of the practice. The government launched a national FGM/C Action Plan, and police were working with the UNFPA-UNICEF Joint Program to implement the law. The 2012 National Reproductive Health Guidelines integrated three specific modules on FGM/C into eight schools of health. More than 60 health facilities had integrated FGM/C prevention into prenatal, neonatal, and immunization services. There was a trend toward performing FGM/C under more hygienic conditions and by medically trained staff. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure.

The UN Development Program worked with the NGO Search for Common Ground on a regular radio campaign aimed at ending FGM/C. In November 500 women practitioners of FGM/C in N'Zerekore decided to give up the practice after a long public awareness campaign.

Sexual Exploitation of Children: The law prohibits child pornography, and the country has a statutory rape law. Sexual assault of children, including rape, was a serious problem. Girls between the ages of 11 and 15 were most vulnerable and represented more than half of all rape victims. The 2009 Child Code prescribes penalties of five to 10 years' imprisonment for all forms of child trafficking, including the commercial sexual exploitation of children. According to the NGO Avert, the minimum age of consensual sex is 15. Some girls under 18 were subjected to commercial sexual exploitation. The country was a destination for sex tourism.

Displaced Children: Street children were numerous in urban areas, although there were no official statistics, and they frequently begged in mosques and markets. OPROGEM reported 168 children missing through October. A two-year study released in June 2012 indicated that during that period, child trafficking displaced 668 children internally.

Institutionalized Children: The country was home to many registered and unregistered orphanages. According to the Ministry of Social Affairs, and the Promotion of Women and Children, 49 registered orphanages took care of 4,822 children. While reports of abuse at orphanages sometimes appeared in the press, reliable statistics were not available.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 www.state.gov/j/tip/.

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. There were no official reports of societal or

governmental discrimination against persons with disabilities, but it was believed to be pervasive. The law does not mandate accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector, although some worked in the informal sector in small family businesses. The government made special provisions to assist persons with disabilities in the voting process during the September 28 legislative elections, including providing assistance to the visually impaired and providing assistance at polling stations that lacked stairs. Many persons with disabilities lived by begging on the streets. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, but it was ineffective. The country had one school for children with disabilities in Conakry. There was no additional government support for children with disabilities to attend school.

National/Racial/Ethnic Minorities

There was no majority linguistic group in the country. With no prohibition or taboo on intermarriage, no reliable census data in the last two decades, and large-scale urban migration, population data were not reliable and failed to take into account the heterogeneity within the various ethnic groups.

The population was diverse, with three main linguistic groups and several smaller ones identifying with specific regions. While the groups were spread across the country's four major regions, Middle Guinea was largely populated by the Peuhl, Upper Guinea by Malinke, with the Soussou in the plurality of Coastal Guinea. There were smaller linguistic groups throughout the country. Conakry and other large urban areas such as Kankan were ethnically heterogeneous. The Forest Region had an estimated 24 distinct languages, some spoken by as few as 20,000 persons.

The ethnic group in charge of the government has traditionally used its power to discriminate against its rivals and to suppress the political and economic their activities.

While the law prohibits racial or ethnic discrimination, discrimination by members of all major ethnic groups was evident in private sector hiring patterns, ethnic segregation of urban neighborhoods, and ethnically divisive rhetoric during political campaigns. There were several instances of ethnically targeted vigilante violence during the year. For example, a conflict between Malinke and Guerze groups in Koule, N'Zerekore, and Beyla in July resulted in the deaths of up to 200

individuals and injuries to scores of others. A few hundred persons remained internally displaced.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity. The maximum sentence is three years in prison, although there have not been any known prosecutions under this law. In the restructuring of OPROGEM in August 2012, a unit for investigating morals violations, including same-sex sexual conduct, was created. Authorities reportedly arrested cross-dressing men in nightclubs on public nuisance charges. Antidiscrimination laws do not apply to lesbian, gay, bisexual, and transgender (LGBT) individuals. There were deep religious and cultural taboos against consensual same-sex sexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no active LGBT organizations.

Other Societal Violence or Discrimination

Laws protecting HIV-infected persons to prevent stigmatization exist. The government, however, relied mainly on donor efforts to combat HIV/AIDS and AIDS-related stigmatization. Government efforts were limited but included paying salaries for health service providers. Most victims of stigmatization were women whose families frequently abandoned them after their husbands died of AIDS. Doctors and health workers routinely disregarded medical confidentiality standards, resulting in widespread distrust of testing.

Persons with albinism suffered from societal discrimination, particularly in the Forest Region. Speculation about albino sacrifice remained, but no cases were reported during the year. Albino rights NGOs continued to raise awareness.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Although the law provides for the right of workers to organize and join independent unions, engage in strikes, and bargain collectively, the law also places restrictions on the free exercise of these rights. The labor code prohibits members of the armed forces from joining unions, requires 25 workers as the minimum to

constitute a trade union, and mandates that unions provide 10-day notice before striking – and only on the grounds of “professional claims.” The labor code bans strikes in essential services, which it broadly defines to include hospitals, police, the military, transport, radio and television, and communications.

While the labor code protects union officials from antiunion discrimination, it does not extend that same protection to other workers. The labor code prohibits employers from taking into consideration union membership and activities with regard to decisions about employee hiring, firing, and conduct, although it does not provide appeal procedures or effective, proportionate, and dissuasive sanctions to prevent such actions from occurring. The law does not provide for reinstatement of workers fired for union activity.

The Office of the Inspector-General of Work within the Ministry of Labor manages consensus arbitration, as required by law. Employers often imposed binding arbitration, particularly in “essential services.”

The government did not effectively enforce applicable laws. Resources and inspections were not adequate to ensure compliance, and penalties were not enforced. Information on delays of administrative and judicial procedures was not available.

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. For example, when workers at the telecom company Orange went on strike during salary and benefit negotiations, Orange demoted the leaders of the strike when they returned to work.

Penalties for various labor violations range from fines of 50,000 GNF (\$7.20) to 1.5 million GNF (\$216), imprisonment for six months to five years, or both. Included among the various labor violations in the penal code are forced labor, smuggling illegal workers, and preventing union meetings. The penal code also defines labor crimes to include punishment of workers and employers who subvert national interests or steal trade secrets.

b. Prohibition of Forced or Compulsory Labor

The law prohibits some types of forced labor, but it does not prohibit debt bondage. The law provides penalties of five to 10 years’ imprisonment for depriving third parties of their liberty through forced labor. The government did

not effectively enforce this law or obtain convictions for forced labor under the law. Resources and penalties were not adequate to deter violations. While criminal sentences calling for forced labor are illegal, prisoners could be obligated to participate in prison chores such as cleaning.

The government claimed that it arrested and charged one trafficker during the year. Some older cases remained pending in the courts. In June the government appointed a new president of the National Committee for the Fight Against Trafficking in Persons, the organization in charge of the enforcement of trafficking laws, after the previous president died in July 2012. The group held no regular quarterly meetings following his death.

Reports indicated that forced labor among men and women was most common in the agricultural sector. Forced child labor occurred as well (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 www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor in the formal sector and sets forth penalties of three to 10 years' imprisonment and confiscation of resulting profits. The law does not protect children in the informal sector. The minimum age for employment is 16. Exceptions allow children to work at age 12 as apprentices for light work in such sectors as domestic service and agriculture, and at 14 for other work. The law does not permit workers and apprentices under 18 to work more than 10 consecutive hours, at night, or on Sundays. The Ministry of Labor maintained a list of occupations in which women and youth under 18 cannot be employed, but enforcement was limited to large firms in the modern sector of the economy. The penal code 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. The most recent statistics indicated that more than one-third of all children under 18 worked in industries considered dangerous by the ILO. Although the child code provides that the country's laws respect treaty obligations and is regarded as law by the justice system, ambiguity remained about the code's validity, because the government had not passed a required implementation text.

The Ministry of Labor is responsible for enforcing child labor laws, and it conducted occasional inspections. Authorities did not bring any cases to justice, and inspections were not adequate. The police division OPROGEM (see section 6) under the Ministry of Security was responsible for investigating child trafficking and child labor violations. After arrests, police transfer all information to the Ministry of Justice. In August 2012 the Ministry of Security set up a new unit specifically focused on child trafficking and child labor. The unit had 30 members and brought five cases to trial in 2012 and one in 2013.

Child labor by boys occurred most frequently in the informal sectors of subsistence farming, small-scale commerce, and mining. Smaller numbers of girls, mostly migrants from neighboring countries, were subjected to domestic servitude. Forced child labor occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between the ages of 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 and sickness. Many children did not attend school and could not contact their parents. The government reported 668 victims of child trafficking discovered during a two-year period ending in June. The government assisted in trying to identify their families and return the children to their families. Reports indicate most children were reunited.

According to a government study conducted with the ILO and issued in 2011, 43 percent of all children between five and 17 worked, including 33 percent of children ages five to 11, 55.9 percent between 12 and 15, and 61.3 percent between 16 and 17. Of those, 93.3 percent worked in what the ILO defines as hazardous conditions – meaning 40.1 percent of all children in the country worked in hazardous conditions. This included more than one million children in fishing and agriculture, 30,619 in manufacturing, 46,072 in mining, 15,169 in construction, 204,818 in commerce and restaurants, 6,816 in transport, and 92,873 in other hazardous or dangerous work.

Many parents sent their children to live with relatives or Koranic teachers while the children attended school. Host families often had the children perform domestic or agricultural labor and sometimes sent the children to sell water or shine shoes on the streets.

Commercial sexual exploitation of children also occurred (see section 6, children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The labor code allows the government to set a minimum monthly wage enforced by the Ministry of Labor. On April 29, the government exercised this provision for the first time, setting the minimum wage for domestic workers at 440,000 GNF (\$63.36) per month. No minimum wage for other sectors was established. There was no known official poverty income level established by the government.

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 workdays 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 law contains general provisions regarding occupational safety and health, but the government did not establish a set of practical workplace health and safety standards. Moreover, it did not issue any orders laying out the specific safety requirements for certain occupations or for certain methods of work called for in the labor code. All workers, foreign and migrant included, have the right to refuse to work in unsafe conditions without penalty.

The Ministry of Labor is responsible for enforcing labor standards, and its 160 inspectors were empowered to suspend work immediately in situations deemed hazardous to workers' health. Nevertheless, enforcement efforts were sporadic. According to the ILO, inspectors received inadequate training and had limited resources. Retired labor inspector positions went unfilled. Inspectors lacked computers and transportation to carry out their duties. Penalties for violation of the labor law were not sufficient to deter violations. The penal code calls for prison terms of up to 10 years for people found guilty of trafficking in persons. Additionally, the law subjects traffickers to forfeiture of objects of value or money received through forced labor of others. Offering someone into forced labor is punishable by up to five years' imprisonment.

Authorities rarely monitored work practices or enforced the workweek standards and the overtime rules. Teachers' wages were extremely low, and teachers sometimes went six months or more without pay. Salary arrears were not paid, and some teachers lived in abject poverty.

Violation of wage, overtime, and occupational health and safety standards were common across sectors. Forced child labor, which constituted the majority of forced labor victims, occurred primarily in the gold, diamond, cashew, cocoa, and coffee sectors. There were, for example, reports of unsafe working conditions in the 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 were not available on workplace fatalities and accidents during the year, but accidents in unsafe working conditions were common. The government banned wildcat gold and other mining during the rainy season to prevent deaths from mudslides. Still, at least 12 workers died in a mudslide accident near the town of Siguiri in November.