

GUINEA

EXECUTIVE SUMMARY

Guinea is a republic. In December 2010 Alpha Conde, the candidate of the Rally of the Guinean People (RPG) Party and longtime opposition leader, was inaugurated as the country's first democratically elected president since independence from France in 1958. Conde defeated Cellou Dalein Diallo of the Union of Democratic Forces of Guinea (UFDG). While the elections generally were regarded as free and fair, the second round was accompanied by widespread violence. Prior to Conde's inauguration, Guinea was headed by a transition government led by former interim president General Sekouba Konate, the defense minister in the military junta that seized control of the country in 2008. There were instances in which elements of the security forces acted independently of civilian control, most notably on July 19, when soldiers and high-ranking officers attacked President Conde's home.

Using gunfire and rocket-propelled grenades, soldiers loyal to the former military junta attacked the private residence of President Conde on July 19. Conde escaped unhurt, but three members of his presidential guard were killed. By the following day, 37 soldiers--including former army chief Nouhou Thiam, two colonels, and former members of Konate's presidential guard--had been arrested. By year's end 50 persons had been arrested and charged in the attack.

The most serious human rights problems in the country included security force abuse, including the use of torture; the government's failure to punish the perpetrators of such abuse; and violence and discrimination against women and girls, including female genital mutilation (FGM).

The use of excessive force by security forces to quell demonstrations resulted in deaths and injuries. Interreligious conflict and vigilante violence also resulted in deaths. Security forces harassed opposition members and journalists. Prison conditions were life-threatening, and prison guards tortured, beat, raped, and otherwise abused prisoners and detainees. Arbitrary arrest, prolonged pretrial detention, incommunicado detention, and lack of judicial independence were problems. The government seized private property without compensation. The government restricted freedom of speech, press, assembly, and movement. Corruption remained widespread throughout all branches of government. The government harassed and arrested human rights workers. Trafficking in persons,

ethnic discrimination, child labor, and forced labor, including by children, occurred.

The government did not take steps to prosecute or punish officials who committed abuses, and impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

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

For example, on April 3, security forces used tear gas, batons, and sometimes live ammunition to disperse thousands of demonstrators who had gathered to welcome home UFDG party leader Cellou Dalein Diallo, who had been traveling abroad for three months. One demonstrator was killed, and 27 were injured. Approximately 60 UFDG members were arrested and charged with taking part in an illegal demonstration; all but 27 were released the following week. By year's end, all detainees had been released.

On September 27, three demonstrators were killed during clashes with police at a banned opposition rally in Conakry. The rally occurred on the eve of the second anniversary of the 2009 security force massacre of 150 prodemocracy demonstrators in Conakry's main soccer stadium. There were unconfirmed reports that police stopped demonstrators on their way to the rally by using live fire as well as tear gas and batons. One of the three victims who died was stabbed by a member of the security forces, according to an unconfirmed report. More than 300 persons, including bystanders, were arrested after protests ended later in the day. Many of those arrested were held without charge for several days beyond the legal limit of 48 hours; all had been released by year's end. Security forces reportedly searched homes without warrants and looted houses in their search for demonstrators from the evening of September 27-28. A government investigation into the incident absolved security forces of any responsibility in the killings of three demonstrators. The government charged that the demonstrators or other unnamed parties had perpetrated the killings.

The investigation into the 2009 stadium massacre begun by the transition government did not lead to any arrests during the year. At least 157 demonstrators were killed when members of the elite Presidential Guard surrounded the stadium,

blocked entrances, and used guns and bayonets on the demonstrators. Nearly 100 women and girls were raped during the attack. None of the bodies reportedly buried by security forces in mass graves had been exhumed by year's end.

There was little progress in the investigation into the killings of civilians and military personnel following the attempted assassination in 2009 of former junta leader Dadis Camara. Although at least three low-ranking members of the military were charged in connection with the killings, the government appointed two men implicated in the massacres to high-level positions during the year. The killings resulted from a military crackdown during its search for the ringleader of the plot. Eyewitnesses told journalists that persons were shot in the streets as they fled from patrols.

b. Disappearance

There were no reports of politically motivated disappearances.

The government took no action to investigate the disappearance of dozens of prodemocracy demonstrators following the 2009 stadium massacre in Conakry. In 2010 victims' families formed groups to demand the government investigate the disappearances.

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 forces used violence to quell demonstrations, resulting in deaths and injuries (see section 1.a.). Prison guards tortured, beat, raped, and otherwise abused citizens and detainees, including children. The government seldom took action against alleged torturers.

During the year security forces tortured four youths suspected of stealing, according to the French human rights nongovernmental organization (NGO) Action by Christians for the Abolition of Torture. The youths allegedly were beaten and threatened with death.

There were no developments in the arrest of 22 military and police personnel for use of excessive force, looting, and inciting violence during street clashes after election results were announced in November 2010.

No action was taken against security forces at the military prison on Kassa Island who used torture, possibly including castration, on inmates. Approximately 100 military personnel were reportedly detained in inhumane conditions in the prison following the 2009 stadium attack. In January 2010 interim president Konate closed the Kassa Island facility.

Prison and Detention Center Conditions

Conditions in civilian prisons, which were under the Ministry of Justice, remained harsh and life-threatening. Poor sanitation, malnutrition, disease, and lack of medical attention resulted in dozens of deaths. Prison guards routinely threatened, beat, and sometimes tortured prisoners to extract confessions or to extort money, although there were fewer such reports than in previous years. All prisons were overcrowded. Conakry Prison, for example, held 1,280 prisoners at year's end, although it was built to house 300.

A local NGO reported that half of the female prisoners in Conakry Prison had been beaten or abused during the year. One NGO reported that prison guards regularly exploited and harassed girls under the age of 18 by demanding sexual favors in exchange for additional food or water.

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.

NGOs reported endemic malnutrition throughout the prison system, which did not provide food or medicine to inmates. Prison directors relied on charities, the International Committee of the Red Cross (ICRC), and other NGOs to provide food for inmates. Most prisoners reported eating one small meal a day consisting primarily of rice and sauce, although some prisoners reportedly received two daily meals. Some 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 in exchange for delivering food to inmates and routinely confiscated prisoners' food.

Inmates were not tested for HIV/AIDS upon entry into the prisons, and no statistics on HIV/AIDS infection rates were kept. Lack of medicine in prisons, combined

with endemic malnutrition and dehydration, made infection or illness life threatening. In several regions prisoners with tuberculosis were held together with uninfected inmates.

Although the Ministry of Justice administered civilian prisons, military officers and guards--along with untrained and unpaid volunteers who hoped for permanent entry into the military--managed and staffed the facilities. This system was difficult to manage and particularly vulnerable to corruption and abuse. 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 superiors, even when they were in conflict with orders from the Ministry of Justice.

NGOs estimated that 4,000 prisoners (including between 50 and 100 women) were incarcerated in 32 civilian prison facilities nationwide. Statistics on incarcerated minors held nationwide were unavailable, but a local NGO reported that of 130 minors incarcerated at Conakry Prison, 14 had never been formally charged or tried, several had been imprisoned for more than six years, and others had grown up in the prison. No information was available on the number of children incarcerated with their mothers nationwide. The government did not provide for children's food, clothing, education, or medical care in prison.

In most prisons men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest.

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.

Gendarmerie detention facilities commonly were used to hold civilian detainees while they were being processed for transfer to civilian facilities. Such temporary detention could last anywhere from a few days to several months. Like prisons, gendarmerie facilities were dank and fetid, although some facilities--such as those housing persons suspected of involvement in the attempted assassination of President Conde--were better constructed and had light and ventilation. The government allowed international organizations and NGOs access to prisons run by the gendarmerie.

Prisoners and detainees were not permitted reasonable access to visitors or granted religious observance. Prisoners and detainees have the right to submit complaints, but seldom exercised that right due to fear of reprisals by prison guards and the gendarmerie. Prison authorities did not investigate credible allegations of inhumane prison conditions, and the government did not investigate or monitor prison or detention center conditions.

The country had no ombudsman to serve on behalf of prisoners and detainees to consider alternatives to incarceration for nonviolent offenders, monitor the status and circumstances of confinement of juvenile offenders, or improve pretrial detention, bail, and recordkeeping procedures to ensure prisoners were not held beyond their maximum sentences. Nevertheless, the Association for the Support of Refugees and Displaced Persons in Detention, a local NGO that maintained offices in all prison facilities, regularly interceded with the Justice Ministry and prison officials to alleviate overcrowding, improve pretrial detention, and keep judicial processes moving without the commonly used tactic of bribery. While prison conditions remained grim, such interventions resulted in some improvement, such as the provision of reed mats for sleeping and the distribution of meat during holidays.

The government permitted prison visits by local humanitarian and religious organizations that offered medical care and food for those in severe need.

The ICRC was allowed regular access to all civilian detention facilities and continued partnership programs with prison and security authorities to improve civilian prison conditions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices, but government officials did not generally observe these prohibitions. Security forces arrested demonstrators without warrants and held detainees without charge for several days beyond the 48 hour-limit mandated by law.

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 responsibility for internal security. The army is responsible for external security but also plays a role in domestic security.

FOSSEPEL, a 16,000-member unit composed of police and gendarmes, was created in May 2010 to ensure security during the elections and was under the Ministry of Security. Following elections, most FOSSEPEL members returned to their police or gendarme units. The law permits the military, FOSSEPEL, the gendarmerie, and police forces to make arrests, although only the gendarmerie can arrest members of the military and police forces.

Security forces were poorly paid, inadequately equipped, and ineffective. Corruption was 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 no internal or external mechanisms to investigate security force abuse.

There were instances in which security forces failed to prevent or respond to societal violence. For example, on May 2, interreligious conflict erupted in the village of Galakpaye after local animists from the Forestier ethnic group attempted to exorcise members of a Muslim Malinke family. Subsequent clashes led to 25 deaths. Local security forces were overwhelmed and unable to restore order until the afternoon of May 3, when security forces from a nearby city arrived.

Arrest Procedures and Treatment While in Detention

Although the law requires a warrant to make an arrest, many detainees were arrested 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, a provision that also was not respected in practice.

Of the 37 people detained after the attack on the president's private residence on July 19, at least nine were not brought before a judge and charged with attempted assassination until two weeks later.

The law precludes the arrest of persons in their homes between 9:00 p.m. and 6:00 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 routinely ignored the legal provision entitling defendants to an attorney. Indigent defendants were not provided attorneys at state expense. Although the law prohibits incommunicado detention, it occurred in practice. 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 only allowed if an official was present.

Arbitrary Arrest: Security forces arbitrarily arrested hundreds of demonstrators during the year. Many took place without warrants and in violation of other due process protections provided in the law (see section 1.a.).

The government also arrested human rights workers (see section 5).

Pretrial Detention: According to 2008 statistics, approximately 67 percent of prisoners were in pretrial detention. Reliable statistics were unavailable, but pretrial detainees were often held three years or more before sentencing or release. Judicial inefficiency, corruption, and lack of political will contributed to the long delays.

Amnesty: On August 15, the government pardoned 37 UFDG supporters who were arrested during an April 3 rally for UFDG party leader Diallo (see section 1.a.).

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 (see section 4). Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code limited the judiciary's effectiveness, as did nepotism and ethnic bias. Although regularly scheduled criminal trials have not been held in almost six years, specially funded criminal trials for high-profile defendants were held sporadically. The government largely ignored the judiciary. Local government officials interfered with court processes (see section 5).

A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply, although criminal procedures for military personnel provide the same rights as those for civilians. Civilians were not subject to military tribunals.

Many citizens wary of judicial corruption preferred to rely 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, if a case was not resolved to the satisfaction of all parties in the traditional system, it 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. Defendants have the right to confront and question prosecution witnesses and to present witnesses and evidence on their behalf. The prosecution prepares a case file, including testimony and other evidence, and provides a copy for the defense. 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 in practice. Although the government was responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment.

Trial procedures were chaotic and inadequate for the hundreds arrested for participating in an illegal demonstration on September 27 and 28. There were not enough interpreters, and many of the suspects did not understand the charges read against them in French.

Political Prisoners and Detainees

The government denied the existence of political prisoners or detainees during the year; however, observers charged that the government held numerous such persons, including opposition members.

Military officers Colonel David Sylla, Colonel Sekou Fadiga, and Captain Issa Camara--who Human Rights Watch considers political prisoners--remained in Conakry Prison without charge for alleged involvement in the July 19 attack on the president's home. It was unclear whether civilian Souape Kourouma, who was arrested with the military officers, also remained in prison. According to witnesses who saw the men in detention, none had been granted access to a lawyer or brought before a judge, and Kourouma claimed to have been beaten.

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 decisions were often influenced by bribes and based on political and social status. There were no 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. In practice 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.

Security forces reportedly searched homes without warrants and looted houses during their search for demonstrators from the evening of September 27-28 (see section 1. a.).

There were reports that security forces arrested family members of detainees or persons they sought to detain. Some of those charged with participation in the July 19 assassination attempt on the president alleged that members of the military harassed their family members during the year.

On July 14 and 15, several NGOs reported that the government unlawfully seized many acres of rural property in the village of Saoro, Forest Region, for a plantation. The government did not provide compensation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and of the press, the government restricted the press during the year. Some journalists practiced self censorship.

Freedom of Speech: Individuals were generally free to criticize the government publicly and privately without reprisal.

Freedom of Press: Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the independent media were active and expressed a wide variety of views without official restrictions.

There were 13 private newspapers that generally published weekly in Conakry, and approximately 100 other publications that appeared sporadically. Technical difficulties and high operating costs impeded regular publication. Two private newspapers were published irregularly in the regions of Labe and Kankan. Foreign publications, some of which regularly criticized the government, were available both in print and electronic format.

On June 10, the National Communications Council (CNC) imposed a two-month suspension on *Le Defi*, a private newspaper critical of the government. *Le Defi* had published an article that criticized controversial public remarks by the country's ombudsman, General Facinet Toure, about the Peuhl ethnic group. Toure, a presidential appointee who took office pledging to advance national reconciliation, was quoted as saying that political power should be kept away from the Peuhl because they controlled the economy of the country.

The On July 11, the CNC suspended opposition newspaper *Les Nouvelles du Pays* for violating the "code of ethics of journalism." In May the newspaper released a sensationalist article on the intrusion, allegedly by military personnel, into the home of a prominent opposition party leader. The government denied any involvement and claimed that the home invasion was perpetrated by criminals dressed as soldiers.

Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country. During the year the Agency for the Regulation of Telecommunications (ART) briefly closed three major radio stations for failure to pay their taxes--in 2010 the former transition government increased taxes tenfold for community radio stations. Attempts by the prime minister to mediate between the radio stations and the ART were inconclusive at year's end. A deadline for payment was set for December 23, but no action had been taken against radio stations refusing to pay by year's end.

Violence and Harassment: There were reports of direct physical attacks, harassment, and intimidation of journalists by government and military officials.

For example, on April 3, journalists from radio stations Renaissance FM and Sabari FM were injured when security forces violently dispersed a rally welcoming opposition leader Diallo to Conakry (see section 1.a.).

On May 18, three journalists working for state television RTG were fired. The journalists alleged that they were fired for reporting on the fragile health of the president after a political visit to Turkey.

On May 30, three gendarmes in civilian dress refused to leave the offices of *The Independent* newspaper. The director, Mamadou Dian Balde, barricaded himself in his office. Human rights activists demanded that the gendarmes produce a warrant. Gendarmes and police were subsequently dispatched to free the newspaper director. The perpetrators, who later left the premises, explained that they were sent by a local gendarme colonel regarding a critical story on an increase in soldier salaries. No investigation had been conducted into the incident by year's end.

Censorship or Content Restrictions: The government generally did not impose censorship or content restrictions. Nevertheless, on July 25, the CNC banned all reporting on the July 19 assassination attempt on the president. Local media largely derided and ignored the ban, which was lifted on August 1 following local and international criticism.

Libel: Libel against the head of state, slander, and false reporting are subject to heavy fines.

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. Individuals and groups could engage in the expression of views via the Internet, including e-mail.

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 and association, but both were restricted in law and practice. 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. 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 government sought to ban and later disperse an April 3 rally to welcome opposition party leader Diallo and a September 27 rally to protest the government’s decision to move ahead on election planning without opposition input or consent. The government’s use of excessive force at both events resulted in several deaths and dozens of injuries (see section 1.a.).

On November 9, in anticipation of a planned march by local lawyers to protest the illegal detention of two human rights activists (see section 5), the minister of territorial affairs and decentralization declared that all public rallies were outlawed. The order was rescinded the following day after local and international criticism. The ministry subsequently maintained that the declaration was to remind organizations to continue to follow procedures in applying for permission to hold rallies. The rally of the lawyers proceeded without interference.

On December 3, however, security forces prevented supporters of former prime minister Lansana Kouyate from holding street rallies in the city of Kankan.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Requirements to obtain official recognition for public, social, cultural, religious, or political associations were not cumbersome, although bureaucratic delays sometimes impeded the registration of new associations.

c. Freedom of Religion

See the *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 movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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 and asylum seekers.

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

Although the government eliminated all roadblocks in the country in January, it reinstated those roadblocks after the July 19 attack on the president's private residence and kept them in place for the rest of the year. Police and security forces continued to detain persons at roadblocks to extort money, impeding the free movement of travelers and threatening their safety.

Internally Displaced Persons (IDPs)

Government property seizures in July resulted in the displacement of persons; although the number of persons displaced was unknown (see section 1.e.). NGOs charged that the seizures were unlawful.

All of the estimated 2,800 persons displaced in 2010 as a result of election-related violence or fear of such violence had returned to their homes by year's end.

Protection of Refugees

The country was a place of refuge for asylum seekers from neighboring countries, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end the UNHCR and the National Bureau for Refugee Coordination estimated the total refugee population at 16,200, most of whom were Liberians.

Access to asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: The government, in coordination with the UNHCR, continued to assist the safe, voluntary return of Liberian refugees to Liberia and facilitated local integration for Liberian refugees unwilling or unable to return to their homes. Most of the aid for local integration consisted of a small plot of land per family in the Forest Region near N'Zerekore, as well as a written letter of introduction from the national government soliciting local businesses to hire integrated former refugees. Many refugees viewed the assistance as inadequate.

With the assistance of the UNHCR, the government continued to facilitate the local integration of approximately 1,500 Sierra Leonean refugees whose refugee status had been revoked by a panel chaired by the UNHCR.

Temporary Protection: During the year the government continued to provide temporary protection to approximately 66 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.

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, and citizens partially exercised this right in 2010 in two rounds of presidential elections, from which UFDG candidate Alpha Conde emerged as the victor. Irregularities, political and ethnic violence, and incidents of excessive force by security forces responding to the violence marred the election's credibility.

Elections and Political Participation

Recent Elections: In June 2010 UFDG candidate Cellou Diallo and RPG candidate Alpha Conde emerged as the front-runners in the first round of presidential elections, which international observers characterized as credible and free. The second round of presidential elections, originally scheduled for September 2010, was repeatedly postponed until November 2010 due to a dispute over alleged bias in the Independent National Electoral Commission (CENI) leadership and inadequate preparation for the elections. Widespread violence occurred in the months leading up to the November 2010 election and for several weeks afterward. The violence was largely drawn along ethnic lines between Diallo's Peuhl supporters and Conde's supporters--mostly Malinke, Soussou, and Forestier residents of the Forest Region. Numerous deaths, injuries, and the displacement of thousands of ethnic Peuhl resulted from beatings, shootings, and the vandalizing of

homes by mobs. While security forces sought to quell the violence, there were some reports that FOSSEPEL officers--who generally supported the RPG--targeted individuals on the basis of their ethnicity.

Before election results were announced, Diallo declared that he would not accept the outcome of the vote due to interethnic clashes that left some of his supporters unable to vote. CENI subsequently announced the provisional results of the election, which gave Alpha Conde the victory with 52.52 percent of the vote. Despite the violence, international observers characterized the election as generally free and fair. Diallo challenged the results in the Supreme Court, and two days of violence between UFDG and RPG supporters ensued. In early December 2010 the Supreme Court validated the election results.

Despite the constitutional provision that legislative elections be held no longer than 14 days after presidential elections, they still had not been held by year's end. Legislative elections scheduled for December 29 were postponed until 2012.

Political Parties: There were no government restrictions on political party formation beyond registration requirements. According to the Ministry of Territorial Affairs and Decentralization, there were 140 registered political parties.

On February 12, the minister of youth threatened members of the civil service with lay-offs if they supported opposition candidates during the legislative elections. Two days later he retracted his remarks.

Opposition parties questioned the legitimacy of the planned legislative elections, noting that the government was proceeding with unilateral preparations that lacked transparency. Opposition access to state media was limited or nonexistent throughout the year, although private media criticized the government's election preparations without restriction. These concerns led to the opposition call for nationwide street protests on September 27 and 28 (see section 1.a.).

Participation of Women and Minorities: There were 36 women in the 155-seat CNT, including the CNT president. Six of 38 cabinet ministers were women, and there were two female justices out of 14 on the Supreme Court. Minority ethnic groups were represented in CENI, the CNT, and the cabinet.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and corruption remained widespread throughout all branches of government. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was 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.

Security force corruption was endemic. Members of the military targeted and robbed business owners and coerced others into paying bribes. Police ignored legal procedures and extorted money from citizens at roadblocks.

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.

During the year no high-profile corruption cases were prosecuted.

Public officials were not subject to public disclosure laws.

There is no law providing free access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The government met with domestic NGO monitors but seldom responded to their inquiries, reports, or recommendations.

The government harassed human rights workers during the year. On November 27, security forces arrested and detained Frederic Loua and Amadou Diallo, both lawyers and members of the local NGO and lawyers' association Môme Droit Pour Tous (Equal Rights for All). Loua and Diallo were held for questioning in connection with their successful efforts to obtain the release of two suspects who had been in detention for seven years without trial. Although the release of the two suspects had been ordered by the court, the governor of Conakry returned the two

suspects to their cells and ordered the arrest of Loua and Diallo, who were released later the same day. The two suspects remained in prison at year's end. The Bar Association subsequently took the governor to court for preventing the police from releasing the two suspects, as ordered by the court. The case was ongoing at year's end.

UN and Other International Bodies: The government generally cooperated with international governmental organizations and permitted visits by UN representatives. Authorities permitted and facilitated visits during the year by members of the International Criminal Court, who were investigating human rights abuses committed by government officials in 2009. The government also cooperated with the Office of the High Commissioner for Human Rights in Conakry.

Government Human Rights Bodies: On March 19, the president nominated by decree a chairman for the Independent Human Rights Commission, a constitutionally mandated body that is responsible for the promotion and protection of human rights. Nevertheless, by year's end parliament had passed no legislation on the duties or function of the commission, which had no funding, office, or staff.

On August 15, President Conde appointed a Provisional Commission for National Reconciliation. Led by the first imam of Guinea and the Catholic archbishop of Conakry, the commission organized a prayer rally to commemorate the 2009 stadium massacre and met with local religious leaders throughout the country to enlist their support in national reconciliation discussions. The commission characterized its work as promoting reconciliation through frank discussions with victims of human rights violations committed since independence, with the goal of establishing a national reconciliation commission.

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

Although the law states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed, the government did not enforce these provisions uniformly.

Women

Rape and Domestic Violence: Rape, which was common, is a criminal offense but was rarely prosecuted. Authorities were reluctant to pursue criminal investigations of alleged sexual crimes, and there were no reports of prosecutions of rapists,

although police records indicated 50 persons were arrested for rape during the year. Spousal rape is neither punished nor regarded as a criminal offense. Social beliefs and fear of being ostracized prevented most victims from reporting incidents of rape. According to a 2003 study, victims of sexual assault constituted more than 20 percent of women treated in a local hospital. Experts reported that the situation had not changed significantly. Many of these assaults were perpetrated by a person the victim knew and often took place at school. More than half the victims were young girls. Several local NGOs worked to increase public awareness and the reporting of such crimes.

Domestic violence against women was common, although estimates of its prevalence were unavailable. 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 Guinea francs (\$11 to \$66). Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished. Local NGOs assisted some victims of domestic violence.

Female Genital Mutilation (FGM): (see section 6, Children).

Sexual Harassment: Sexual harassment is not against the law. Women working in the formal sector in urban areas complained of frequent sexual harassment, and it was not penalized by employers.

Reproductive Rights: Couples and individuals have the right to decide freely on 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 2008 the maternal mortality ratio was 680 deaths per 100,000 live births. Nine percent of women of reproductive age used a modern method of contraception. Healthcare for pregnant women was free and included access to skilled attendance during childbirth, prenatal care, and essential obstetric care and postpartum care. Women generally had equal access to diagnoses and treatment for sexually transmitted infections. Nevertheless, 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 matters. Traditional law discriminates against women and sometimes took precedence over

formal law, particularly in rural areas. The Ministry of Social Affairs and Women's and Children's Issues worked to advance legal equality for women, who faced discrimination throughout society but 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 on a usufruct basis, which authorizes them to work family-owned land and draw a wage, but not to own the land. Women had difficulty obtaining loans, according to the OECD.

Government officials acknowledged that polygyny was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. Although the principle of equal pay for equal work exists, in practice women received lower pay than men. No steps were taken to implement the 2007-11 action plan on women's empowerment.

Children

Birth Registration: Citizenship can be derived by birth, marriage, naturalization, or parental heritage. The government struggled to register births and issue birth certificates to avoid leaving a significant number of children without official documentation and thereby denying them access to school and health care.

Education: Government policy provides for tuition-free, compulsory primary school education for six years. 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. Sexual harassment, concern about unwanted pregnancies, and other factors lowered attendance of female students.

Child Abuse: Child abuse was a problem.

Child Marriage: The legal age for marriage is 21 years for men and 17 years for women; however, tradition permits marriage at 14 years of age. Although there were no official reports of underage marriage, it was a problem. Parents contracted marriages for girls as young as 11 years of age in Middle Guinea and the Forest Region. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, in conjunction with the government, local journalists, and

international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to the CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

Harmful Traditional Practices: FGM is illegal, and practitioners faced a penalty of three months in prison and a fine of approximately 100,000 Guinea francs (\$22). In practice FGM was practiced widely in all regions among all religious and ethnic groups, primarily on girls between the ages of four and 17. Infibulation, the most dangerous form of FGM, was rarely performed. CPTAFE reported high rates of infant and maternal mortality due to FGM. According to a 2005 Demographic and Health Survey, 96 percent of women in the country had undergone the procedure. As in prior years, there were no prosecutions of practitioners during the year.

The government cooperated with NGOs in their efforts to eradicate FGM and educate health workers on the dangers of the practice. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure.

Ritual killings occurred, although the extent of the practice was unknown due to cultural taboos and a general unwillingness to speak on the subject.

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 years were most vulnerable and represented more than half of all rape victims.

Displaced Children: Street children were pervasive in urban areas, although there were no official statistics. Many were forced to beg in mosques and markets.

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

Anti-Semitism

The Jewish community is 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, 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. Many 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.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, with three main ethnic groups and several smaller ones identifying with specific regions. The three major groups are the Soussou in Lower Guinea, the Peuhl in Middle Guinea, and the Malinke in Upper Guinea. There were smaller ethnic groups throughout the country. Conakry, other large urban areas such as Kankan, and the Forest Region were ethnically heterogeneous.

While the law prohibits racial or ethnic discrimination, ethnic identification was strong. Mutual suspicion, both inside and outside the government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private-sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. Political campaigns capitalized on ethnic divisions, and divisive ethnic rhetoric spurred civilian clashes in Conakry that resulted in the deaths of at least two persons during the year. The government and the National Transitional Council implemented several sensitization programs throughout the year to highlight the importance of peace and unity among ethnic groups. It also held conferences and purchased radio and television programming to combat ethnic tensions and to encourage political leaders to avoid using divisive ethnic rhetoric.

Vigilante violence occurred during the year. For example, on September 27, a Sousou man argued with his ethnic Peuhl neighbor over the effectiveness of opposition-sponsored protests earlier that day. The argument quickly became violent, with the Soussou man stabbing his Peuhl neighbor, who later died from his injuries. A crowd of Peuhls quickly subdued the fleeing Soussou man and stabbed him to death.

Interreligious conflict resulted in deaths (see section 1.d.).

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

The law penalizes sexual relations between persons of the same sex with a maximum sentence of three years in prison, although there have not been any prosecutions under this law for nearly a decade. There were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity. Nevertheless, during the 2010 opening of the Office of the High Commissioner for Human Rights in Conakry, the prime minister announced his belief that consensual same sex sexual activity is wrong and should be forbidden by law. He also said that sexual orientation should not be regarded as a basic human right. There were no active lesbian, gay, bisexual, or transgender organizations.

Other Societal Violence or Discrimination

National organizations worked to end the stigma associated with HIV/AIDS. Most victims of stigmatization were women, who were frequently abandoned by their families after their husbands died of AIDS.

Doctors and health workers routinely disregarded medical confidentiality standards, resulting in widespread distrust of testing.

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 or more workers 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. In practice, employers often imposed binding arbitration, particularly in “essential services.”

Freedom of association and the right to collective bargaining were not always respected, although worker organizations were generally independent of the government and political parties.

A disputed election on September 24 within the country’s largest union, the National Confederation of Guinean Workers (CNTG), triggered a split into factions supporting two candidates for the union’s presidency, incumbent Amadou Diallo and Yamoussa Toure. Diallo was declared the winner, but Toure disputed the results. Diallo subsequently accused the government of interference, alleging that the government had provided Toure with financial support. Toure’s supporters attacked Diallo’s residence on October 8, and vandalized CNTG headquarters on October 17. Toure denied involvement in the attacks. Diallo refused to recognize a December 16 court decision annulling his presidency of the union.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor provides for penalties of five to 10 years’ imprisonment for depriving third parties of their liberty. The government has not effectively enforced this law nor obtained conviction for forced labor under this article. The article also does not expressly prohibit debt bondage, making it particularly difficult to prosecute.

Work is compulsory for all convicted prisoners and optional for those who have been accused or charged.

The government claimed that it arrested and charged five traffickers and freed 30 victims of child trafficking during the year. Some older cases remained pending in the courts, while many additional cases have disappeared from the court system

Reports indicate that forced labor was most common in the agricultural sector. Forced child labor, which represents the majority of victims, occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy (see section 7.c.).

Although migrant laborers do not represent a significant proportion of forced labor victims in Guinea, reports indicate instances of trafficking of Chinese and Vietnamese women to Guinea for the purposes of commercial sexual exploitation.

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 all forms of child labor and sets forth penalties of three to 10 years' imprisonment, and disgorgement of resulting profits, for violations. The minimum age for employment is 16 years, although children may begin to work at 12 years of age as apprentices for light work in such sectors as domestic service and agriculture, and at 14 years of age for other work. Workers and apprentices under the age of 18 are not permitted to work at night, more than 10 consecutive hours, more than 12 consecutive days, or on Sundays. The Ministry of Labor maintained a list of occupations in which women and youth under the age of 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. Although the child code ensures that the country's laws respect treaty obligations, and is regarded as law by the justice system, there remains ambiguity about the code's validity because a required implementation text has not been passed by the government.

The Ministry of Labor is responsible for enforcing child labor laws and conducted occasional inspections during the reporting period. The Bureau of Gender

Protection, Children, and Customs is responsible for investigating child trafficking and child labor violations. After arrests, all information is handed over to the Ministry of Justice. During the year the bureau reported two trafficking arrests. The bureau was understaffed and had only two vehicles to cover the country.

Child labor by boys occurred most frequently in the informal sectors of subsistence farming, small-scale commerce, and mining. Child labor by girls most often involved commercial sexual exploitation and put them at risk for face beatings, sexual harassment, and rape. Family members or employers forced some children to prostitute themselves to earn enough money to survive. The government did not take action when prostitution of minors was brought to its attention, and it did not monitor child or adult prostitution.

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. A 2006 study by the NGO AGRAAD reported that 45 percent of workers at the Dandano gold mine were children, approximately 30 percent of whom were working with an adult relative in the mine. Children also worked in granite and gravel pits.

Many parents sent young Muslim boys to live with a Koranic teacher for instruction. While a few boys received lessons, teachers forced most to beg or work in fields and mistreated the boys if they failed to meet daily quotas. Similarly, through the system of *confiage*, rural families often sent children to Conakry to live with family members while they attended school. Host families unwilling or unable to pay school fees sent the children to sell water or shine shoes on the streets. The host family took the money ostensibly in exchange for room and board.

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

d. Acceptable Conditions of Work

Although the labor code allows the government to set a minimum hourly wage enforced by the Ministry of Labor, the government has neither exercised this

provision nor promoted a standard wage. Prevailing wages routinely did not provide a decent standard of living for a worker and family.

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 fixed percentages of the regular wage. In practice, authorities rarely monitored work practices or enforced these rules. The law provides for 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 that are called for in the labor code. All workers, foreign and migrant included, have the right to refuse to work in unsafe conditions without penalty, but many workers feared retaliation and did not exercise this right.

The Ministry of Labor is responsible for enforcing labor standards, and its 160 inspectors are 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 inspectors were generally not replaced with new hires. Inspectors lacked computers and transportation to carry out their duties.

Penalties for violation of the labor law were not sufficient to deter violations.

In practice, 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.

The Ministry of Labor's Inspectorate General reported that there were 92 cases of workplace injury, one death, and no cases of illness during the year.