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Country Report on Human Rights Practices 2010

Guinea is a republic with a population of approximately 10 million. In June and November the country held two rounds of presidential elections which resulted in the election of longtime opposition leader Alpha Conde, the candidate of the Rally of the Guinean People Party (RPG). In December, Conde was inaugurated as the country's first democratically elected president since independence from France in 1958. While the elections were generally 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 interim president General Sekouba Konate, the former defense minister in military junta that seized control of the country in 2008 after the death of former president Lansana Conte. The military junta, under the leadership of Captain Moussa Dadis Camara, suspended the constitution and dismissed the National Assembly. In December 2009 a failed assassination attempt rendered Camara medically unable to lead the country. Camara's sudden departure led to the installation of a transition government on January 15, pursuant to the Ouagadougou Accord, which called for a return to civilian rule by mid-2010. The Accord was signed by Burkinabe President Blaise Campaore (mediator from the Economic Community of West African States), former interim president Konate, and Captain Dadis Camara, who was recuperating in Burkina Faso. In late January, Konate appointed opposition leader Jean Marie Dore prime minister. On February 16, Dore appointed a National Transitional Council (CNT) as the country's legislative body. The CNT, which had equal representation from civil society, political parties, and the former junta regime, promulgated a new constitution on May 7. Security forces did not report to civilian authorities under the rule of the transition government.

Human rights problems included: the use of excessive force by security forces resulting in civilian deaths and injuries; vigilante killings and ethno-religious violence; torture and abuse of prisoners, including rape; inhumane and life-threatening prison conditions; arbitrary arrests; prolonged pretrial detention; incommunicado detention; lack of judicial independence; official corruption; restrictions on freedom of speech, press, assembly, association, and movement; attacks on human rights workers; sexual violence against women and girls; societal discrimination against women; and female genital mutilation (FGM). Ethnically based harassment by civilian supporters of opposition political parties was also a problem. Trafficking in persons, ethnic discrimination, and forced labor, including by children, occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces, including the Special Force for a Safe Electoral Process (FOSSEPEL), an election security force

consisting of police and gendarmes, generally acted with restraint in quelling violent demonstrations before and after the second round of presidential elections on November 7; however, use of excessive force, including live ammunition, resulted in deaths and injuries.

On October 22 and 23, FOSSEPEL's efforts to quell violent clashes between supporters of RPG presidential candidate Alpha Conde, and Cellou Dalein Diallo, the candidate of the Union of Democratic Forces of Guinea (UFDG), resulted in one death and 26 injuries. Doctors told Amnesty International that some of the dead bodies examined from the October 22 and 23 clashes showed that "people had been hit in the head, the abdomen, the thorax, and the back of the head," indicating security forces sometimes used lethal force to disperse demonstrators.

On November 17, a member of FOSSEPEL shot and killed a 20-year-old student, Mamadou Abdoulaye Bah, who was visiting friends in a Cosa neighborhood, according to the international nongovernmental organization (NGO) Human Rights Watch (HRW).

Deaths in custody also occurred.

On November 15, the body of Michel Lazare Loua was delivered to a hospital morgue in Conakry, according to HRW. Loua had been arrested on October 26 by gendarmes from Matoto Gendarmerie for alleged coup-plotting. In an October 28 letter, judicial authorities reminded the commander of the Matoto Gendarmerie of the 48-hour limit for pretrial detention, but were warned by the gendarmes to desist from pursuing the case, according to HRW. Despite subsequent efforts by judges with jurisdiction over the case and Loua's own lawyers to have Loua's dossier transferred from the gendarme squadron to the relevant judicial authority, Loua remained in custody of the gendarmes until his death. HRW stated that Loua's medical report noted signs of severe mistreatment, including bruising and swelling of the head, back, and wrists.

While the transition government began an investigation into the September 2009 massacre of prodemocracy protestors in Conakry's main soccer stadium, no perpetrators were arrested or prosecuted by year's end. 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 was exhumed during the transition government's tenure.

No investigation was conducted or action taken against military personnel responsible for civilian and military killings following the December 2009 attempted assassination of former junta leader Dadis Camara. Killings resulted from a military crackdown during its search for suspected attempted assassin Lieutenant Aboubacar "Toumba" Diakite, who remained at large at year's end. Eyewitnesses told journalists that persons were shot in the streets as they fled from patrols; an unconfirmed number of persons died as a result.

Unlike in the previous year, there were no reports that transition government officials endorsed or encouraged vigilante killings. In February 2009 Dadis Camara issued a proclamation authorizing the use of lethal force against anyone engaged in drug trafficking, money laundering, armed robbery, or trafficking in children. In June 2009 Moussa Tiegboro Camara, the former junta minister of high crimes and antidrugs, stated that armed robbers should be burned alive to avoid overcrowding the prisons.

From February 6 to 8, ethno-religious conflict in the Forest Region city of N'Zerekore resulted in the deaths of three persons: Joseph Balamou, who was beaten to death, Yakouba Keita, who was burned to death in his home, and Djefadima Kante, who died of unknown causes. At least 38 persons were injured. Local NGOs and media sources claimed the violence was primarily between Christian Guerze and Muslim Malinke youth. Security forces in N'Zerekore were unresponsive during the first day of the violence. On February 7, the head of the gendarmerie sent reinforcements who arrested an unknown number of civilians, all of whom were released within 24 hours, according to local NGOs. Unlike in previous years, there were no reports of abuse by security forces during the operation.

Violence between political party members resulted in deaths (see section 3).

Vigilante violence occurred. For example, on November 3, a mob in the Hafia-Commandaya neighborhood in Conakry beat to death a suspected burglar.

No action was taken against the perpetrators of vigilante violence in previous years.

b. Disappearance

Unlike in the previous year, there were no reports of politically motivated disappearances under the transition

government.

There were no developments in the disappearance of dozens of prodemocracy demonstrators following the September 2009 stadium massacre in Conakry. HRW reported that bodies from the massacre were buried in mass graves. During the year victims' families formed groups to demand that the transition government investigate these disappearances; however, no action was taken by security forces or the transition government by year's end.

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

The new constitution and law prohibit such practices; however, security forces' use of excessive force, including live ammunition, to quell demonstrations resulted in deaths and injuries (see sections 1.a. and 3). According to Amnesty International, persons detained during violent election-related demonstrations faced a high risk of torture. The transition government seldom took action against alleged torturers; however, it arrested 22 military and police personnel for use of excessive force, looting, and inciting violence during street clashes on November 16, the day after election results were announced.

Prison guards tortured, beat, raped, and otherwise abused citizens and detainees. In 2008 the local NGO Terres des Hommes Minors reported that detainees, including children, were tortured before being incarcerated.

No investigation was conducted or action taken against the perpetrators of the September 2009 attacks against prodemocracy protestors in Conakry's main soccer stadium (see section 1.a.).

No action was taken against security forces responsible for torture at the military prison on Kassa Island, where security forces used torture, including possible castration, on inmates. Approximately 100 military personnel were reportedly detained in inhumane conditions in the prison following the September 2009 stadium attack. In January former interim president Konate closed the military prison on Kassa Island; however, detainees were still being held in the facility at year's end, according to HRW.

Unlike in the previous year, there were no reports that soldiers ambushed, beat, and kidnapped any foreign ambassadors.

Prison guards used sexual violence to intimidate and brutalize detainees, although reports of such conduct decreased during the year. During the September 2009 stadium massacre, members of the Presidential Guard publicly raped and sexually assaulted with weapons an estimated 100 women. According to human rights organizations and survivors, approximately 20 women were also kidnapped and raped for several days. By year's end no perpetrators were punished for these crimes. The government made no efforts to rehabilitate rape victims, some of whom were subsequently shunned by their families and forced to live on the streets.

Vigilante violence was common, in part due to lack of confidence in security forces and the judiciary. However, unlike in the previous year, there were no reports of citizens in N'Zerekore waiting outside the local prison to attack and burn to death released convicts.

Ethno-religious violence resulted in deaths and injuries, particularly in the months leading up to the November 7 presidential election (see sections 1.a. and 3).

Prison and Detention Center Conditions

Conditions in civilian prisons, which were under the Ministry of Justice, remained inhumane and life threatening. Poor sanitation, malnutrition, disease, lack of medical attention, and poor conditions resulted in dozens of deaths. Prisoners, including children, were reportedly routinely tortured to extract confessions or to extort money. Prisoners claimed that guards routinely threatened, beat, and otherwise harassed them, according to NGOs.

All prisons were overcrowded. Conakry Prison, which was built to hold 300, held 1,055 prisoners at the beginning of October. Some Conakry prisoners reported sleeping on their knees because their cells were so small. During the year a new prison with greater capacity than the old one was completed in N'Zerekore. In 2009 approximately 60 prisoners in the old N'Zerekore Prison were squeezed into two small cells with no access to fresh air or daylight.

Reports from NGOs indicated that prison guards routinely harassed and sexually assaulted female inmates. 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 subjected girls under the age of 18 to sexual exploitation and harassment in exchange for favors, especially provision of 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. Wells ran dry in the dry season, and electric pumps, such as the one in Conakry Prison, did not function. In 2009 a foreign observer reported that inmates in Siguiri Prison in the northeast of the country lacked access to medical care, adequate food and water, and legal representation--a situation that was common in prisons throughout the country.

NGOs reported endemic malnutrition throughout the prison system, which did not deliver food or medicine to inmates. Prison directors relied on charities, the International Committee of the Red Cross (ICRC), and NGOs to provide food for inmates. Due to the efforts of such groups, no prisoners in Conakry Prison died of malnutrition during the year. Prisoners reported eating one small meal a day consisting primarily of rice and sauce. 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 food.

Inmates were not tested for HIV/AIDS upon entry into the prisons, and no statistics on HIV/AIDS infection rates were kept; however, local NGOs estimated that 15 percent of the prison population was infected. 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 there was no data on prisons in the interior of the country, a prisoner advocacy NGO in Conakry estimated that 18 prisoners died from poor prison conditions during the year.

Although the Ministry of Justice administered civilian prisons, military officers and guards managed and staffed the facilities. 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. Due to limited funds and personnel shortages, prisons were largely staffed by untrained and unpaid "volunteers" who hoped for permanent entry into the military. 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, giving better conditions to prisoners who were able to pay.

NGOs estimated that 3,800 prisoners (including between 47 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 130 minors were incarcerated at Conakry Prison, of which 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 transition 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. Children in Siguiri Prison were housed with adult men and women. Local NGOs reported that male juveniles were held separately from male adults at Conakry Prison; however, women and girls were confined together and not given the same freedoms, including access to fresh air, as their male counterparts. 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 transition government denied access to prison advocacy groups and international organizations; however, unlike in the previous year, international organizations and NGOs were permitted access to prisons run by the gendarmerie. In 2009 local media reported the use of torture at the military prison on Kassa Island. While the majority of prisoners detained in the Kassa Island facility were released after its closure in January, there were reports that some prisoners still remained, one of whom was reportedly beaten during the year.

Gendarmerie prisons were commonly used to hold civilian detainees while they were being processed for transfer to civilian facilities; however, such temporary detentions could last anywhere from a few days to several months.

Prisoners and detainees were not permitted reasonable access to visitors or granted religious observance. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions. 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, nor has the government investigated or monitored prison or detention center conditions.

The country has 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 are not held beyond their

maximum sentences. However, 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.

The transition 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; however, no international or local organization was permitted access to military detention facilities. The ICRC continued partnership programs with prison and security authorities to improve civilian prison conditions.

d. Arbitrary Arrest or Detention

The new constitution and law prohibit arbitrary arrest and detention, but the transition government did not observe these prohibitions.

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 to ensure security during the elections and was under the Ministry of Security. The code of penal procedures permits the military, FOSSEPEL, the gendarmerie, and police forces to make arrests; however, only the gendarmerie can arrest members of the military and police forces.

The police force was inadequately staffed and lacked training. In addition, some police officers were part of a "volunteer" corps that did not receive salaries. Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Corruption was widespread, and security forces generally were not held accountable for abuses of power or criminal activities (see section 4). Many citizens viewed all the security forces as corrupt, ineffective, and dangerous.

FOSSEPEL was effective in quelling violence during the first round of presidential elections in June, and there were no reports of excessive use of force; however, before and after the November 7 presidential runoff, there were reports of lack of discipline, excessive force, criminality, and ethnic partisanship by some FOSSEPEL members (see section 3).

According to the African Organization for the Defense of Human Rights-Guinea Section (RADDHO-Guinea), 22 military and police personnel were arrested for use of excessive force, looting, and inciting violence (see section 1.a.).

During the year the transition government took steps to train and reform security forces. In July the chief of the gendarmerie signed a use of force policy that complied with international standards and was successfully implemented during the electoral period.

There were instances in which security forces failed to prevent or respond to societal violence. Police did not intervene during February ethno-religious violence in N'Zerekore. During October 18-19 violent demonstrations in Conakry, FOSSEPEL did not intervene initially, due in part to being overwhelmed until police and gendarmerie reinforcements arrived.

Arrest Procedures and Treatment while in Detention

The law requires warrants before an arrest and provides that detainees be charged before a magistrate within 72 hours; however, many detainees were arrested without warrants and incarcerated for longer periods before being charged. The law precludes arrest of persons in their homes between 4:30 p.m. and 6:00 a.m.; however, 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 that provides client access to attorneys. 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 occurred in the presence of a government official.

Security forces arbitrarily arrested numerous persons during the year.

On March 30, at military barracks in Caleah and Forecariah, military personnel arrested approximately 300 soldiers for suspected participation in a revolt at the barracks. A majority of the detainees were released 48 hours after the incident, but 16 remained in detention in Conakry's main prison without formal charge at year's end.

On June 12, police arrested and detained for 24 hours eight military officers closely identified with the Dadis Camara regime. No formal charges were brought against the individuals.

Numerous persons were arrested during violent civilian clashes before and after the second round of presidential elections on November 7; however, it was difficult to ascertain how many of those were arbitrarily arrested on the basis their ethnicity and how many were detained on the basis of credible allegations of criminal acts.

On September 11 and 12, during fighting between UFDG and RPG supporters in Conakry, numerous persons were arrested and subsequently released.

During violent demonstrations on October 18 and 19, FOSSEPEL members arrested 327 protesters, all of whom were released by year's end. During electoral violence in November, numerous persons were arrested and subsequently released.

A journalist was arbitrarily arrested during the year (see section 2.a.).

Unlike in the previous year, there were no reports that gendarmes routinely arrested civilians and detained them at Kassa Island military prison until they paid bribes for their release (see section 1.c.).

How many of the hundreds of persons who disappeared in the September 2009 stadium massacre and subsequent government crackdown had been arrested and detained was unclear. While some detainees arrested in 2009 were released, an undetermined number remained in detention at year's end.

The following persons arrested in 2009 were believed to have been released: 11 detainees held with a journalist at Camp Koundara; 12 military officers arrested in January; three military personnel detained in April for alleged coup-plotting; and Kader Doumbouya.

On February 5, human rights activist Mouctar Diallo was released (see section 5).

On February 23, Sadou Diallo and Toussaint Tichissambou, detained in July 2009 by the then-minister of high crimes and antidrugs Tiegboro Camara, were released and all charges dropped.

On March 3, Ahmed Kante, a former minister of mines accused of misappropriation of state funds, was released after being detained one year without formal charge.

During the year Ousmane Conte and three associates, all of whom were arrested in November 2009, were released.

On May 15, Prime Minister Dore announced that nearly 200 prisoners detained without charge would be released. Among those released were women and children as well as several military officials arrested by the former military junta. It was unclear how many detainees were released as a result of the prime minister's declaration.

Judicial inefficiency, corruption, and lack of political will contributed to prolonged pretrial detention. Local and international NGOs estimated that 85 percent of all prisoners were awaiting trial. Many detainees remained in prison for more than 10 years without trial.

e. Denial of Fair Public Trial

The new constitution and law provide for an independent judiciary; however, 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. The government largely ignored the judiciary.

A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply, although military courts provide the same rights as civil courts. 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 testimonies and 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, and the right to appeal a judicial decision; however, these rights were not consistently observed in practice. Although the transition 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.

Lack of due process sometimes resulted in unenforceable judgments. For example, in September the president of the Dixin Court found two members of the Independent National Electoral Commission (CENI) guilty of fraud and sentenced them to one year in prison and a fine of two million Guinean Francs (\$434) (see section 3). Since the proceedings did not comply with the law, the judgment was not legally enforceable, and neither of the CENI members had been arrested by year's end.

Political Prisoners and Detainees

The transition government denied the existence of political prisoners or detainees during the year. According to HRW, however, the Kassa Island facility still held detainees at year's end, including civilian Souape Kourouma and military officers Colonel David Sylla, Colonel Sekou Fadiga, and Captain Issa Camara; all were being detained without charge for alleged coup-plotting. According to witnesses who saw the men in detention, none was granted access to a lawyer or had been brought before a judge, and Kourouma claimed to have been beaten.

Under the junta government in 2009, political prisoners were reportedly held either at the Kassa Island military prison or at Conakry Prison, where they were separated from the general population. Following the September 2009 massacre and subsequent government crackdown, there also were reports of an unknown number of political detainees being held at Camp Alpha Yaya.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations; however, it 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 practice domestic court orders were often not enforced.

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

The new constitution and law provide for the inviolability of the home and require judicial search warrants; however, police reportedly ignored legal procedures in the pursuit of criminals or when it served their personal interests. Unlike in the previous year, there were no reports that soldiers entered private residences and businesses to extort money and rob or threaten civilians.

Following the state of emergency imposed on February 17, the transitional government ordered cellular companies to block text messaging, which had been used to coordinate demonstrations. In 2009 the junta government blocked text-messaging capabilities during political unrest.

Unlike in the previous year, there were no reports that security forces arrested the family members of detainees or persons it sought to detain.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new constitution and law provide for freedom of expression and of press; however, the transition government sometimes restricted these rights. Some journalists continued to practice self-censorship, although less so than in

previous years.

During the year the transitional government enacted a new law that replaces prison terms for journalists with the following fines: between one million and five million Guinea francs (\$217 and \$1,086) for defamation, slander, and seditious talk against government officials; between 500,000 to 20 million Guinea francs (\$108 to \$4,347) for defamation relating to the nationality, race, or religion of a person or group; and between 500,000 to two million Guinea francs (\$108 to \$434) for incitement, condoning murder, or disseminating material against public modesty and morals. According to Boubacar Algassimou Diallo, political editor of the private weekly *Le Lynx*, "the fines are so high that journalists think they prefer prison."

Citizens could generally criticize the government publicly and privately without fear of reprisal.

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. The National Communications Council (CNC) provided financial subsidies to independent media organizations.

There were 13 private newspapers published weekly in Conakry, and approximately 100 other publications 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 criticized the government on a regular basis, were available both in print and electronic format.

Unlike in the previous year, there were no reports that security forces beat and tortured journalists who criticized the government. There also were no reports that the transitional government excluded independent media from government meetings or that security forces assaulted independent journalists who tried to attend.

No action was taken against members of the Presidential Guard who in March 2009 whipped, kicked, and robbed an independent reporter who was covering a clash between soldiers and youth protestors over the sale of a soccer field.

On May 10, a journalist from *The Independent* newspaper was arrested and detained for two days without formal charge. He was released on May 12.

On February 5, the transition government released human rights activist Mouctar Diallo, whom the military junta had arrested in November 2009 for criticizing the junta (see section 5).

Media sources admitted self-censorship during the country's transition period and collectively signed a "code of good conduct" that highlighted the importance of national unity during the fragile transition period. For several months after the assassination attempt on junta leader Dadis Camara and the creation of the transition government, journalists continued to prefer to publish human-interest pieces and other innocuous stories, although the press became far more vigorous once presidential campaigning began in earnest.

Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country.

Unlike in the previous year, the transitional government permitted political parties and religious institutions to own media outlets and did not restrict programming on political and religious subjects. The CNC did not suspend political discussion on the radio, and state media provided equal coverage of all 24 political parties during the election.

During the first round of presidential elections, the media was allowed access to all polling stations. However, during both rounds of presidential elections, the transition government forbade the private media from reporting election results, claiming that reporting voting percentages could upset national unity.

Internet Freedom

There generally were no government restrictions on access to the Internet or reports that the transition government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was available in the capital city and in a few larger towns, but less than 1 percent of the country's inhabitants used it, according to 2009 International Telecommunication Union statistics. Cost, illiteracy, and lack of availability remained major constraints to Internet use.

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 new constitution provides for freedom of assembly and association; however, the law imposes restrictions, and the transitional government restricted these rights during the year.

The law restricts freedom of assembly and bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The transition government required 72-working-hour advance notification for public gatherings. The law permits local authorities to cancel 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 ensues.

On six occasions during the year the transition government banned public protests in the wake of election violence, claiming that public gatherings threatened national security. All political parties agreed to the bans, which the population generally respected.

During the year security forces used tear gas, batons, and live ammunition to disperse violent demonstrations, resulting in deaths and injuries (see sections 1.a. and 3).

Freedom of Association

The new constitution and law provide for freedom of association, and, unlike in previous years, 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

For a discussion of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/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 transition government generally respected these rights in practice. The transition 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.

The transition government required all citizens to carry national identification cards, which they must present on demand at security checkpoints.

According to a credible NGO, a government initiative to remove roadblocks during the year resulted in a 75 percent decrease in roadblocks compared to 2009. Nevertheless, police and security forces continued to detain persons at military roadblocks to extort money, impeding the free movement of travelers and threatening their safety.

The law does not prohibit forced exile, but the transition government did not use it.

Internally Displaced Persons (IDPs)

Hundreds of persons were displaced during the year as a result of election-related violence or fear of such violence.

In early November a suspected poisoning of dozens of RPG supporters during a meeting in Conakry spurred ethnically motivated attacks against members of the Peuhl ethnicity in at least four towns, according to HRW (see section 3). According to the ICRC, the violence resulted in the displacement of at least 2,800 persons. In response the government dispatched additional security forces to protect those who had been displaced and their property; the transitional government also allowed those who were displaced to vote away from their assigned polling station during the second round of presidential elections. None of the IDPs returned to their homes by year's end.

Following the November 15 announcement of provisional election results by CENI, hundreds of Malinke in Middle Guinea left their homes, although most returned by year's end.

Protection of Refugees

There is a government-established system providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice the transition government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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 that the total refugee population was 15,325, the majority of whom were Liberians. At year's end the UNHCR reported that only two refugee camps remained operational.

The transition government, in coordination with the UNHCR, assisted 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 in the Forest Guinea Region near N'Zerekore, as well as a written letter of introduction from the national government soliciting local businesses to hire integrated former refugees. However, many refugees viewed the assistance as inadequate.

During the year the transition government, with the UNHCR, 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.

During the year the transition 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.

Tension continued between host communities and refugee populations because of disparities in living standards and tribal conflicts, although these tensions were less apparent than in previous years. Economic decline in the country continued to exacerbate situations where refugees received basic services and opportunities unavailable to citizens. The UNHCR continued to offer financial support for the rehabilitation of communities severely affected after 18 years of hosting refugees.

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

The new constitution provides citizens the right to change their government peacefully, and citizens partially exercised this right during the year in two rounds of presidential elections, from which UFDG candidate Alpha Conde emerged as the victor; however, irregularities, political and ethnic violence, and incidents of excessive force by security forces responding to the violence marred the election's credibility.

In accordance with the Ouagadougou Accord, the CNT was formed in February to act as the legislative body until legislative elections were held. Composed of representatives from civil society, political parties, security forces, unions, youth groups, and educators, the CNT during the year rewrote the constitution, the electoral code, and the media code to define a new government with significantly less power for the president.

Elections and Political Participation

On June 27, 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. FOSSEPEL defused a few clashes between supporters of different political parties quickly and with minimum force. Political party candidates could freely declare their candidacy and stand for elections, and there were no government restrictions focused on any one party. Each of the 24 candidates was allotted equal access to the media, and several observer groups stated that media coverage leading up to the first round of elections was neutral. The 24 candidates represented all of the country's major ethnic groups and many of its smaller ethnic groups as well.

The second round of presidential elections, originally scheduled for September 19, was repeatedly postponed until November 7, due to a dispute over alleged bias in CENI leadership, inadequate preparation for the elections, and the theft of laptops provided by the European Union to tabulate results from polling stations. International donors quickly replaced the laptops.

On November 7, the second round of presidential elections, originally scheduled for September 19 and postponed to October 10 and October 24, was held. On November 14, before election results were announced, Diallo

declared that he would not accept the outcome of the vote. This was largely because the CENI refused to disqualify ballots from two contested prefectures where minority Peuhls were unable to vote due to ethnically motivated attacks against them in October; one Peuhl was killed, and Peuhl residents fled (see section 2.d.). On November 15, CENI announced the provisional results of the election, which gave Alpha Conde the victory with 52.52 percent of the vote. International observers characterized the election as generally free and fair. Diallo subsequently challenged the results in the Supreme Court, and two days of violence between UFDG and RPG supporters ensued. On November 17, the transitional government declared a state of emergency and a dusk-to-dawn curfew; the curfew was withdrawn on December 3, when the Supreme Court validated the election results.

Election-related violence, which occurred sporadically during the year, was largely drawn along ethnic lines between Diallo's Peuhl supporters and Conde's supporters--mostly Malinke, Soussou, and residents of the Forestier Region. Deaths and injuries resulted from the violence.

On June 25, in Coyah, fighting between UFDG and RPG resulted in two deaths. On September 11 and 12, in Conakry, two youths were killed during fighting between UFDG and RPG supporters. One youth was killed by a rock and the other by a bullet shot by an unidentified perpetrator.

Beginning in October some members of FOSSEPEL, which was dominated by ethnic groups that supported the RPG and Alpha Conde, were drawn into the violence.

On October 18 and 19, gendarmerie and FOSSEPEL personnel used tear gas and batons to disperse thousands of predominantly UFDG youth who were protesting CENI leadership. The demonstrators, who numbered in the thousands, blocked traffic with burning tires and threw stones at passing vehicles. Numerous persons were injured, and approximately 100 of the 327 persons arrested during the two-day clash remained in prison without formal charge at year's end.

In late October violence again erupted between UFDG and RPG supporters. According to HRW, some FOSSEPEL members beat and assaulted party supporters, chased some into their homes and workplaces, and used the unrest as a pretext to loot shops and commit criminal acts, including theft of mobile phones, money, and other goods. Approximately 30 persons detained by security forces described being slapped, kicked, whipped, burned, and beaten with batons and rifle butts as they were being detained by security force members on the street, at their home or jobs, or in one of several gendarme and police facilities. HRW also documented the rape of six women by soldiers in the town of Labe; the transition government did not take action against these soldiers by year's end.

Witnesses described how some FOSSEPEL officers targeted individuals for abuse and theft on the basis of their ethnicity, using racial threats and warning them not to vote for a particular party.

On November 16 and 17, following the November 15 announcement of Conde's victory, violence again erupted between supporters of Diallo and Conde. Mobs of youths and men armed with rocks, sticks, iron bars, knives, machetes, and, in a few cases, small swords and hammers attacked supporters on both sides of the ethnic-political divide. However, in Conakry, HRW documented considerably more attacks by Peuhl youths on members of communities they believed supported Conde than the reverse. Conakry residents described being attacked in their homes, dragged out of their cars and beaten, singled out for abuse due to their ethnicity at informal checkpoints, and, in at least three cases, raped. Witnesses described how mobs vandalized and sometimes burned houses, cars, or furniture. Those who suffered the most serious violence were from ethnic groups that were a clear minority in a given neighborhood. Many families fled their homes.

While security forces sought to quell the violence in the cities of Conakry, Dalaba, and Labe, they failed to provide equal protection to all citizens, according to HRW. In some cases FOSSEPEL used lethal force to suppress violence by members of the Peuhl ethnic group. There were reports that security force members used ethnic slurs against members of the Peuhl ethnic group, collaborated with civilian mobs from ethnic groups that largely supported Conde, and in several cases looted and stole property from persons who were perceived to have supported Diallo.

In November, HRW took in-depth statements from 16 victims of gunshot wounds, 12 of whom described seeing security force members either shooting directly at them, or near them; the other four were injured by stray bullets fired by security forces. The local hospital where the vast majority of victims were taken informed HRW that it treated 84 individuals for gunshot wounds. Some of the injured admitted that they had engaged in violence and thrown rocks at the security forces, but the majority denied involvement in violence and said they had been shot in or near their homes by security forces members who stormed houses and compounds looking for youths who had fled after being dispersed by tear gas. Some of the youths also described being shot by security forces conducting foot or vehicular patrols after the violence had calmed down. Several men were shot, including two who died, during periods of relative calm when the men had ventured out to buy water or supplies or to visit family members.

There were also unconfirmed reports that military personnel attempted to impersonate FOSSEPEL officers and disrupt political rallies. There were also unconfirmed reports that ethnic partisans masqueraded as FOSSEPEL officers to inflict harm on members of opposing groups.

There were 36 women in the 155-seat CNT, including the CNT president. Six of 13 cabinet ministers were women, and there were two female justices on the Supreme Court. Minority ethnic groups were represented in CENI, the CNT, and the cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the transition government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. 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 accepted bribes in exchange for favorable rulings.

During the year no high-profile corruption cases were prosecuted, and officials arrested in 2009 and charged with corruption were released.

On March 24, seven persons arrested in May 2009 for allegedly trafficking narcotics were released without formal charge, including a former chief of the armed forces staff, former director general of the National Committee of Antidrugs, the former secretary general of the committee, and two other high-ranking military officials. Court proceedings against the individuals started in February, but all charges were eventually dropped when the court proceedings turned into a public spectacle against the junta regime and Tiegboro Camara, who arrested the individuals in May 2009.

Public officials were not subject to public disclosure laws.

There is no law providing free access to government information. Unlike in the previous year; however, the transition government routinely publicized the deliberations of cabinet meetings and presidential activities.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. During the year the transition government created an Independent National Institution for Human Rights, which was charged with promoting human rights throughout the country. The transition government met with domestic NGO monitors, but seldom responded to their inquiries, reports, or recommendations during the year. Security forces attacked a prominent human rights worker during the year.

Independent human rights NGOs included RADDHO-Guinea and the Association for the Support for Refugees and Displaced Persons in Detention.

On October 23, human rights defender Mamadou Aliou Barry was attacked and beaten while trying to stop members of the security forces from attacking a group of youths in Hamdalaye, a suburb of Conakry. Barry had traveled to the area after hearing reports that gendarmes and members of the presidential guard were beating residents and ransacking homes and stores. Barry, who was detained with approximately 15 men, suffered a broken arm and numerous contusions. According to Barry, security force members told him, "You, the Peuhl, will not be allowed to vote. We will detain you and keep you here...you will not be in power, we will crush you."

On February 5, Mouctar Diallo, the president of a local human rights organization, was released and all charges dropped. Diallo, who was arrested in November 2009, was reportedly being held for criticizing the junta.

The transition government facilitated visits by a number of international human rights NGOs and generally cooperated with such organizations; however, none were permitted access to military prisons.

The transition government generally cooperated with international governmental organizations and permitted visits by UN representatives. Authorities permitted and facilitated visits by members of the International Criminal Court, who were investigating human rights abuses committed by government officials in 2009. The transition government also cooperated in the creation of a UN office for human rights in Conakry, as suggested by the UN Commission of Inquiry Report on the September 2009 violence.

Despite promises, however, the transition government did not allow an independent investigation into the September 2009 stadium massacre.

Due to lack of funds and political will, an independent commission of inquiry, established in 2007 to investigate human rights abuses committed by security forces during the 2007 general strike, had not begun its investigation by year's end.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape 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. Wife beating is not addressed specifically within the law, although charges can be filed under general assault, which carries penalties ranging from two to five years in prison and fines ranging from 50,000 to 300,000 Guinea francs (\$11 to \$65). Assault constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished. Local NGOs assisted victims of domestic violence.

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.

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. Women generally had equal access to diagnoses and treatment for sexually transmitted infections, including HIV. However, cultural norms and taboos reportedly dissuaded individuals from taking advantage of opportunities to learn about reproductive health or seeking health services for sexually transmitted infections.

The law generally provides for equal treatment of men and women; however, traditional law discriminates against women and sometimes took precedence over formal law, particularly in rural areas. Formal law regarding inheritance also discriminates against women. The Ministry of Social Affairs and Women's and Children's Issues worked to advance legal equality for women; however, women faced discrimination throughout society, particularly in rural areas, where opportunities were 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 also 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 2007-2011 action plan on women's empowerment.

Children

Citizenship can be derived by birth, marriage, naturalization, or parental heritage. The transition government did not systematically register births and issue birth certificates, leaving a significant number of children without official documentation and thereby impeding their access to school and health care.

Government policy provides for tuition-free, compulsory primary school education for six years; however, enrollment rates were generally low by international standards. While girls had equal access to all levels of primary and secondary education, social norms and practices resulted in significantly lower attendance rates at the secondary level.

Child abuse was a problem. Ritual murders occurred, although the extent of the practice was unknown due to cultural taboos and a general unwillingness to speak on the subject. Unlike in previous years, there were no arrests in connection with ritual killings.

On March 16, a three-year-old child was abducted from his Conakry home and killed. His throat was cut, his eyes removed, and his abdomen slit open in a manner reportedly consistent with ritualistic ceremonies involving human sacrifice. The alleged killer and accomplice were being held in Conakry Prison and were awaiting trial at year's end.

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. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, reported high rates of infant mortality 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. FGM is illegal, and practitioners faced a penalty of three months in prison and a fine of approximately 100,000 Guinea francs (\$21); however, there were no prosecutions during the year.

The transition government cooperated with NGOs in their efforts to eradicate FGM and educate health workers on the dangers of the practice. A study conducted by a local NGO during the year reported that 33 percent of women and 45 percent of men were opposed to FGM, compared to 19 percent of women and 41 percent of men in 2005. The NGO TOSTAN was successful in bringing together many communities to declare their intention to abandon FGM and early or forced marriage. Recognizing traditional practices that encouraged FGM, TOSTAN helped establish binding social contracts in which families agreed to accept a woman who had not undergone FGM to marry one of their sons. Continued efforts by NGOs to persuade communities to abandon FGM resulted in thousands of families ending the practice. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure.

The legal age for marriage is 21 years for men and 17 years for women. 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 CPTAFE, in conjunction with the transition 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.

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. The law prohibits child pornography, and the country has a statutory rape law.

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

Guinea is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. There were no official reports of societal or governmental discrimination against persons with disabilities. The transition government had not mandated accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector; some worked in the informal sector in small family businesses, and 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 ethnic groups identifying with specific regions. Three major ethnicities form the majority of the population: 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 transitional 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 N'Zerekore, Coyah, and Conakry that resulted in the deaths of at least seven persons during the year. The transition government and the CNT 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.

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

There were no laws criminalizing sexual orientation, although 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. However, during the opening of the UN Human Rights office in Conakry, the prime minister announced his belief that homosexuality 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 lesbian, gay, bisexual, or transgender organizations active during the year, but there were no legal impediments to the operation of such groups.

Other Societal 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. The Right of Association

The law and constitution provide for the right of employees, except for military and paramilitary personnel, to form and join independent labor unions, and the transitional government enforced this right. The labor code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Although labor statistics were inadequate, at least 167,000 workers were reportedly unionized.

The law grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike, and workers exercised this right a few times over the year. By law arbitration is by consensus and executed through the Office of the Inspector General of Work within the Ministry of Labor. In practice, however, employers could impose binding arbitration. The law prohibits strikes in essential services, including hospitals, police, the military, transport, radio and television, and communications.

Unlike in the previous year, the transitional government did not break up strikes during the year. No investigation was made into the violent dispersal of a June 2008 police strike, which resulted in the deaths of 14 police officers.

b. The Right to Organize and Bargain Collectively

The law provides that representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations, and workers exercised this right in practice. The law protects the right to bargain collectively for wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates, and this law was generally respected in practice.

There were no reports of antiunion discrimination during the year. Employers generally did not interfere in or prohibit labor union activities. There were no reports of workers being fired because of labor activity. During a strike in March at a mining company's alumina refinery in Fria, the transition government sent protective forces to the area to ensure workers' ability to strike and also to protect the refinery workers who chose to report to work despite the strike.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law specifically prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor and the exploitation of vulnerable persons for unpaid or underpaid labor; however, child labor was a serious problem. Violators of child labor laws face penalties between six months to five years in prison and fines between 50,000 to 382,500 Guinea francs (\$11 to \$82); however, the government did not enforce the law.

The minimum age for employment is 16 years, although apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 10 consecutive hours, for 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; however, enforcement was limited to large firms in the modern sector of the economy.

Child labor occurred most frequently in the informal sectors of subsistence farming, small-scale commerce, and mining. Many children were exploited as domestics in the urban sector, as miners, or as farm or plantation workers. A 2007 HRW report stated that tens of thousands of girls worked as domestics, many of them for up to 18 hours a day with little or no compensation. Some girls allegedly suffered beatings, sexual harassment, and rape. Family members or employers allegedly forced some to prostitute themselves to earn enough money to survive. The transition government did not take action when prostitution of minors was brought to its attention, and it did not monitor child or adult prostitution.

According to both official and NGO sources, 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. Children were described as living in extreme conditions without access to water or electricity and exposed to constant threat of disease and sickness. According to NGOs, the children did not attend school and reportedly were prevented from contacting their parents. A 2006 study by the NGO AGRAAD reported that 45 percent of workers at the Dandano gold mine were children ranging in age from seven to 16, approximately 30 percent of whom were working with an adult relative in the mine.

Many young Muslim children sent to live with a Koranic teacher (marabout) for instruction in Arabic and the Qur'an worked for the teacher as payment. Rural families often sent children to Conakry to live with family members while they attended school. If the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board or simply used the child as a cheap source of domestic labor.

Although statistical data was unavailable, there were reports that children were sold into exploitative labor through child trafficking.

The Ministry of Labor is responsible for enforcing child labor laws, but it conducted no child labor inspections or investigations and prosecuted no court cases during the year.

The government continued a public ad campaign against child labor throughout the country.

e. Acceptable Conditions of Work

The labor code allows the transitional government to set a minimum hourly wage enforced by the Ministry of Labor; however, the government 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.

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 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. The Ministry of Labor is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic.

All workers, including foreign and migrant ones, have the right to refuse to work in unsafe conditions without penalty; however, many workers feared retaliation and did not exercise this right.