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Country Report on Human Rights Practices 2017 - Guinea

EXECUTIVE SUMMARY

Guinea is a constitutional democratic republic in the early stages of a transition from decades of authoritarian rule. In 2015 the country held its second democratic presidential election, and incumbent President Alpha Conde won with 58 percent of the vote. The political campaign was more peaceful than the 2010 presidential and 2013 legislative elections, but a few deaths occurred during skirmishes between demonstrators and security forces.

Despite tighter rules of engagement and a prohibition on the use of lethal force during street protests, elements of the security forces on occasion acted independently of civilian control.

The most significant human rights issues included security force killings and use of excessive force against civilians, including torture to extract confessions; arbitrary arrest; indefinite detention without trial, including of political prisoners; arbitrary interference with family and home; restrictions on freedoms of press and assembly; corruption at all levels of government; violence against women and girls; forced and early marriage; female genital mutilation; criminalization of same-sex sexual conduct; violence against persons with albinism; and human trafficking.

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

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

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

There were reports the government or its agents committed arbitrary or unlawful killings. Police use of excessive force resulted in the death of seven demonstrators.

Between February 20 and 21, a series of student demonstrations following a teachers’ strike resulted in the deaths of seven persons, of which six were from gunshots. Several others sustained serious injuries, and authorities arrested and detained some others.

The investigation of the death of Thierno Hamidou Diallo and the injury of three persons during a peaceful march of opposition supporters in Conakry in August 2016 remained pending. The police officer arrested in connection with the death was awaiting trial.

Impunity persisted for abuses perpetrated by state actors in past years, including security force killings of at least 150 opposition demonstrators and the rape of more than 100 women and girls in the 2009 stadium massacre. Two of the indicted alleged ringleaders of the massacre--Colonel Claude Pivi and Colonel Moussa Tiegboro Camara--remained in high-level government posts. In addition General Mathurin Bangoura, another indicted person, remained governor of Conakry. The stadium massacre inquiry commission made some progress in 2015 when the judges indicted former junta leader Dadis Camara, who resided in Burkina Faso. Former Dadis Camara aide-de-camp Toumba Diakite, who fled the country in 2009, was arrested in Senegal in December 2016, extradited to Guinea, incarcerated, and was awaiting trial. The judges investigating the massacre made some progress and sent a rogatory commission to France to question General Sekouba Konate, who was minister of defense at the time of the massacre. The International Criminal Court (ICC), which continued its preliminary examination of the massacre, encouraged national authorities to investigate and try those responsible for crimes. Authorities took no action to exhume the bodies reportedly buried by security forces in mass graves.

The government took no action against perpetrators of the 2007 killings nationwide of between 137 and 186 demonstrators.

b. Disappearance

There were no new reports of disappearances by or on behalf of government authorities.

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

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

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading punishment, human rights observers stated government officials continued to employ such practices with impunity. In October 2016 the legislature promulgated a new criminal code that reconciles national law with international conventions on torture.

Abuse of inmates in prisons and in judicial police and gendarme detention centers continued at previous levels. Gendarmes and police designated as “judicial police officers” (OPJs) routinely abused detainees to coerce confessions. Human rights activists noted that the most egregious abuses occurred during arrest or in gendarme detention centers. Human rights associations indicated that the complainants often presented evidence of abuse and that prison wardens did not investigate these complaints. According to nongovernmental organizations (NGOs), guards abused detainees, including children, and coerced some women into exchanging sex for better treatment.

Prison and Detention Center Conditions

Conditions in civilian prisons, which are under the supervision of the Ministry of Justice, remained harsh and life threatening. Abuse, poor sanitation, malnutrition, disease, and lack of medical attention were pervasive throughout the prison system, and worse in gendarme and police detention facilities.

Physical Conditions: Overcrowding remained a problem in all prisons, as authorities incarcerated an estimated 3,500 throughout the country. An EU-financed survey revealed that prison management and operations remained deficient. Government-funded rehabilitation programs were nonexistent, and NGOs performed the work. As of August Conakry Central Prison (CCP)--with a designed capacity of 300 persons--held approximately 1,500 inmates. Prisoners slept shoulder to shoulder on the floor due to overcrowding and lack of beds. Authorities permitted them to leave their cells for only one hour each day. Prison officials converted rehabilitation facilities, such as schools and workshops, into dormitories due to overcrowding.

Authorities held minors in a separate section of the prison, where they slept on iron bunk beds with no mattresses or on the floor because it was too hot on the upper bunks below the building’s metal roof. Prison officials did not separate pretrial detainees from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest.

In the two main prisons outside of Conakry and in gendarmerie detention centers, men and women were intermingled. There was no juvenile detention system, and officials generally held juveniles with adults in prisons outside the capital. Men, women, and children were intermingled at gendarmerie detention centers, sometimes with women sleeping in hallways outside the prison cells. Violence and the need to bribe guards for miscellaneous services continued to be problems.

Lack of health-care personnel and medicine in prisons, combined with malnutrition and dehydration, made infection or illness life threatening; cases of beriberi were recorded, and the deaths of prisoners were seldom investigated. Only two of the 31 prisons had a full-time doctor and medical staff, but they lacked adequate medicine and funds. The CCP had a sick ward where approximately 30 patients were crowded into a room 15 by 30 feet. Prisoners relied on family members, charities, or NGOs to bring medication, but visitors often had to pay bribes to provide the medicine to prisoners. There were reports of detainees’ deaths. In August a detainee who spent seven months in pretrial detention for suspicion of theft died in prison at Dinguiraye (Upper Guinea). 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.

NGOs reported endemic malnutrition throughout the prison system. Authorities provided food at the CCP, but most prison directors relied on charities, the International Committee of the Red Cross (ICRC), and NGOs to provide food for inmates. The CCP claimed it began providing two meals a day to all inmates in 2011; however, NGOs reported prisoners in Conakry and elsewhere still received only one meal per day and that many relied on food from their families or other outside sources. Relatives often abandoned prisoners due to the difficulty and cost of travel to prisons and because guards often demanded bribes for delivering food, which they then frequently confiscated.

The UN Office of the High Commissioner for Human Rights in Guinea and NGOs noted that conditions at gendarmerie detention centers, intended to hold detainees for not more than two days while they awaited court processing, were much worse than in prisons. Such “temporary” detention could last from a few days to several months, and facilities had no established system to provide meals or medical treatment. As in the case of prisons, gendarmerie facilities were dank and fetid. The government routinely suspended habeas corpus.

Although the Ministry of Justice administered civilian prisons, some prisoners exercised more power than did the guards, controlling conditions and cell assignments and providing better conditions to prisoners who were able to pay. Prison administrators and the supervisors of gendarme detention centers said they sometimes had to follow directives from their military or gendarme superiors, even when they conflicted with orders from the Ministry of Justice. Sometimes the court would order prisoners released, but guards would not release them until they paid bribes.

Administration: An inspector-general of prisons in the Ministry of Justice had responsibility for handling complaints, but this rarely occurred. The local NGO Equal Rights for All (MDT) stated religious practice was restricted at prisons other than the CCP. Prisoners and detainees have the right to submit complaints but seldom did so

due to possible reprisal by prison guards or gendarmes. Prisoners must use a lawyer to file a complaint, but lawyers were scarce and expensive. Prison authorities did not investigate credible allegations of abuse or inhuman prison conditions.

Independent Monitoring: The government permitted prison visits by local humanitarian and religious organizations that offered medical care and food to those in severe need. Local NGOs--such as MDT and the Association for the Support of Refugees, Displaced Persons, and Detainees--as well as volunteers and religious groups received regular and unimpeded access to the CCP. The ICRC had regular access to all civilian prisons and detention facilities and continued partnership programs with prison and other security authorities to improve civilian prison conditions. The government also allowed international organizations and NGOs access to detention centers operated by the gendarmerie.

Conditions in military prisons, which were under the Ministry of Defense, could not be verified since the government denied access to prison advocacy groups and international organizations. Although military authorities claimed they did not hold civilians at military prisons, previous cases contradicted this assertion. Reports indicated a prison continued to exist at a military camp on Kassa Island, but authorities refused to permit independent monitoring.

d. Arbitrary Arrest or Detention

The constitution and law prohibit such practices, but the government did not always observe these prohibitions. For example, the Guinean Human Right League (Liguidho) reported that authorities arbitrarily arrested foreign fishermen and held them in prison. The law provides for the right of any person to challenge the lawfulness of his/her arrest or detention, but few detainees chose this option because of the difficulties they would face.

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, although their mandates are not clearly defined. The army is responsible for external security but also plays a role in domestic security. The law permits the military, the gendarmerie, and police to make arrests, but only the gendarmerie can arrest members of the military and police. There are also special police or gendarme units, such as the Anti-Criminal Bureau and the Secretariat General of the Presidency in Charge of Special Services in the Fight against Drugs and Organized Crime. OPJs--mixed units of police and gendarmes with special training in investigative techniques--were responsible to the courts and investigated specific crimes.

There were instances in which security forces failed to prevent or respond to societal violence. Police remained ineffective, poorly paid, and inadequately equipped. There were multiple reports of security service units disregarding their orders and resorting to excessive force.

Corruption remained widespread (see section 4). Administrative controls over police were ineffective, and security forces rarely followed the penal code. Few victims reported crimes due to the common perception that police were corrupt, ineffective, and dangerous.

The government continued reform efforts by standardizing uniforms, providing identity cards, and removing imposters. The gendarmerie continued to receive improved training and equipment. The government established strict rules of engagement for protest marches, with standing orders to allow destruction of property--including police stations--rather than resorting to lethal force.

There were limited internal and external mechanisms to investigate abuses by the security forces, but these mechanisms were ineffective due to a lack of professionalism, skills, and a dysfunctional judicial system.

Government impunity remained a widespread problem, and the government took only minimal steps to prosecute or punish officials who committed abuses. Despite a UN High Commissioner for Refugees (UNHCR) request for more information, the case of a human rights lawyer who was beaten by security personnel in 2014 had not been heard in court by year's end.

Arrest Procedures and Treatment of Detainees

Although the law requires arrest warrants, police arrested many persons without warrants. The law also provides that detainees be charged before a magistrate within 48 hours, renewable once if authorized by a judge, but many detainees were held for longer periods. Authorities held most prisoners in the three main prisons indefinitely and without trial. In cases involving national security, the law allows the length of time to be doubled to 96 hours, renewable once.

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

present, or if the family member paid a bribe. The Superior Council of Judges continued to investigate and discipline judges. In 2016 the council investigated 20 cases; it sanctioned and terminated magistrates for corruption or unprofessional conduct.

Arbitrary Arrest: Many arrests took place without warrants and in violation of other due process protections provided in the law. Police arbitrarily arrested and detained opposition members. Authorities also arrested family members for offenses allegedly committed by their relatives (see sections 1.e. and 1.f.).

Pretrial Detention: According to an NGO working on prisoners’ issues, the 2016 reform of the justice sector decreased pretrial detention by 65 percent. Nevertheless, pretrial detainees constituted 60 percent of the prison population. The reform transferred many responsibilities previously held by the High Court to lower courts, resulting in more cases being heard. In addition, the Ministry of Justice directed the review of pretrial cases resulting in additional prisoners being released, and the Juvenile Court reviewed 54 cases.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system lacked independence and was underfunded, inefficient, and overtly corrupt. Budget shortfalls, a shortage of qualified lawyers and magistrates, an outdated and restrictive penal code, nepotism, and ethnic bias limited the judiciary’s effectiveness. Domestic court orders often were not enforced. For example, some prisoners freed by the courts remained in prison because they could not pay “exit fees” to guards. On the other hand, politically connected criminals often escaped prosecution.

Many citizens, wary of judicial corruption or with no other choice, relied on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of “wise men.” The dividing line between the formal and informal justice systems was vague, and authorities sometimes referred a case from the formal to the traditional system to assure compliance by all parties. Similarly, a case not resolved to the satisfaction of all parties in the traditional system could be referred to the formal system for adjudication. In the traditional system, evidence given by women carried less weight.

Trial Procedures

Trials are public, and defendants have the right to be present and to consult with an attorney in a timely manner. The prosecution prepares a case file, including testimony and other evidence, and provides a copy for the defense. Defendants have the right to confront and question prosecution witnesses and to present witnesses and evidence on their own behalf. The law provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel (but only for major crimes), and the right to appeal a judicial decision, but these rights were not consistently observed. Authorities must inform

defendants in detail of the charges, and with free assistance of an interpreter, and must charge or release them within 48 hours, but authorities did not always respect these rights. Defendants generally had adequate time but not the facilities, such as access to a lawyer, to prepare a defense. Most cases never came to trial. Officials may not hold defendants for more than four months to a year (depending on the charge) before trial. Authorities frequently denied defendants these rights.

Although the government was responsible for funding legal defense costs in serious criminal cases, it rarely disbursed funds for this purpose. The attorney for the defense, if there was one, frequently received no payment. Authorities allowed detainees' attorneys access to their clients, but often on condition that prison guards or gendarmes be present. The law provides that defendants have the right not to be compelled to testify or confess guilt, but torture in detention centers undermined this protection.

Political Prisoners and Detainees

According to NGOs the government arrested a few individuals as “political intimidation” but released them shortly thereafter. The government permitted access to such persons on a regular basis by the ICRC.

In March the Supreme Court overturned the 2013 High Court verdict that sentenced Fatou Badiar to 15 years and Commander Alpha Oumar Boffa Diallo to life in prison for complicity in the 2011 attack on the president's residence. As of September the court had not reopened the case, and both individuals remained in prison. The president of the Guinean Human Rights Institution stated that they were de facto political prisoners since all the others involved in the case received a pardon.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations. Nevertheless, the judicial process was neither independent nor impartial, and bribes and political and social status often influenced decisions. There were few lawsuits seeking damages for human rights violations, in part due to public fear of suing security force members and lack of confidence in the competence and impartiality of the judiciary. Domestic court orders often were not enforced. NGOs that filed cases for civilians in 2012, 2013, and 2014--ranging from complaints of torture to indefinite detention--claimed their cases had yet to be heard.

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

The constitution and law prohibit such actions, but police reportedly ignored legal procedures in the pursuit of criminal suspects, including when it served their personal interests (see section 1.e.). Authorities sometimes removed persons from their homes at all hours, stole their personal belongings, and demanded payment for their release.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, but the government restricted press freedom.

Press and Media Freedom: Independent and opposition-owned media were active and generally expressed a wide variety of views. Print media had limited reach due to the low literacy rate (41 percent) and the high cost of newspapers. Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country. FM radio call-in shows were popular and allowed citizens to express broad discontent with the government. An increase in online news websites reflected the growing demand for divergent views. Nevertheless, libels and allegations could result in government reprisals, including suspensions and fines. In June the Communication High Authority (HAC) suspended the broadcast of a popular talk show for five days and barred the participation of one host for a month after he made disparaging comments about children of polygamist parents.

Violence and Harassment: There were reports of direct physical attacks, harassment, and intimidation of journalists by members of the Rally of the Guinean People (RPG) political party affiliated with the government and law enforcement agents. In June, RPG party members attacked a journalist after he took pictures of a brawl at party headquarters.

Censorship or Content Restrictions: The government penalized media outlets and journalists who broadcast items criticizing government officials and their actions.

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

On July 27, the reception of a Radio France International talk show about a possible, yet unconstitutional, third presidential term was blocked. The jamming ended immediately after the show, and the HAC denied any involvement or knowledge of the incident.

Libel/Slander Laws: Libel against the head of state, slander, and false reporting are subject to heavy fines. Officials used these laws to harass opposition leaders.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 26.5 percent of individuals had access to the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, but the government did not always respect these rights.

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, but the government restricted this right. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The government requires 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 occurs. Police arrested two musicians and political activists while the latter were leading protests against corruption and government policies and charged them with unauthorized assembly. As of September they were awaiting trial.

Police use of excessive force to disperse demonstrators--often protesting poor public services--resulted in deaths and injuries (see section 1.a.).

Part of the 2013 and 2015 political accords promised an investigation into the political violence that resulted in the deaths of more than 50 persons in 2012 and 2013, punishment of perpetrators, and indemnification of victims. The government had taken no action on these promises by year’s end.

Freedom of Association

The constitution provides for freedom of association, and authorities generally respected this provision. Requirements to obtain official recognition for public, social, cultural, religious, or political associations were not cumbersome, although bureaucratic delays sometimes impeded registration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Police and security forces, however, continued to detain persons at roadblocks to extort money, impeding the free movement of travelers and threatening their safety. The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, stateless persons, and asylum seekers.

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

In 2012 the government announced the elimination of all roadblocks on the highways but declared it would maintain checkpoints along the borders and on certain strategic routes in Conakry. Police and gendarmes, however, set up random checkpoints throughout the capital and the country and routinely asked drivers to pay “tolls” or other illegal fees. Police and gendarmes occasionally robbed and beat travelers at these checkpoints and sometimes threatened them with death. High-level government officials acknowledged that the practice continued but claimed to be powerless to stop it.

Protection of Refugees

The country hosted refugees from neighboring countries including Cote d'Ivoire, Liberia, and Sierra Leone. As of January UNHCR recorded 5,176 persons of concern, most of them Ivoirian refugees. The end of the Ebola epidemic resulted in the reopening of the border with Cote d'Ivoire and allowed UNHCR to resume voluntary repatriation.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Stateless Persons

There were a few hundred effectively stateless persons, who originally came from Sierra Leone. These persons did not meet any of the criteria for Guinean citizenship--birth within the country, marriage, naturalization, or parental heritage. According to UNHCR these refugees requested neither repatriation nor local integration after the invocation

of the cessation clause for refugees from Sierra Leone. Some of this population lived in abandoned refugee camps, while others moved from former refugee sites in Kissidougou to artisanal gold-mining areas in the northeast of the country.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but citizens were restricted in the exercise of that ability.

Elections and Political Participation

Recent Elections: In 2015 President Alpha Conde won re-election with 58 percent of the vote.

The constitution calls for local elections within six months of the installation of the National Assembly; the latter occurred in 2013. Local elections were delayed and most recently rescheduled for 2018.

Political Parties and Political Participation: There were no official restrictions on political party formation beyond registration requirements, but parties may not represent a single region or ethnicity.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Observers noted, however, there were cultural constraints on women’s political participation. Five of 34 cabinet ministers were women, as were 25 of the 114 National Assembly deputies. The electoral code requires at least 30 percent of candidates for any party competing for seats in the National Assembly to be women. Not every party adhered to this rule, which was not enforced.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Officials diverted public funds for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency.

Corruption: Security force corruption was endemic. Police and gendarmes ignored legal procedures and extorted money from citizens at roadblocks, in prisons, and in detention centers. The government reduced the number of road checkpoints, but

traders, small business operators, drivers, and passengers were still obliged to pay bribes to pass. Observers noted prisoners paying money to guards in exchange for favors.

The reform of the justice sector entailed in part an increase in salary for the magistrates and the establishment of the High Council for the Magistrature to handle cases of corrupt magistrates. Gendarmes, police, and prison guards--also poorly paid--offered to release prisoners in exchange for bribes, including prisoners to whom the courts had already granted release. Police and court officials often asked defendants in criminal and civil cases for money to reduce or eliminate charges.

Business leaders asserted regulatory procedures were opaque and facilitated corruption.

Financial Disclosure: Public officials are not subject to public disclosure laws. The electoral code bars persons from certain types of financial activity if they are members of or candidates for the National Assembly. They may not be paid by a foreign state; by the chief executive officer (CEO), a deputy of a CEO, or the president of a company under state control; or by a shareholder in an enterprise under state control or reliant on state subsidies or other state benefits. Despite these rules, some National Assembly members took state revenues to support their businesses, such as operating schools funded by public tuition. Authorities threatened to cut the state subsidies of some National Assembly members if they did not support the ruling party.

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

Some domestic and international human rights groups monitored and attempted to disseminate information on human rights abuses. They generally operated without government restriction. NGOs are required to renew their permits with the government every three years.

Despite the government's willingness to meet with and listen to NGOs on human rights problems, it did not often act on their requests or suggestions. The government continued to ignore a request from human rights groups and the international community to dismiss or place on administrative leave government officials indicted in connection with the 2009 stadium massacre. According to the ICC's Office of the Prosecutor (OTP), the government continued to engage with the OTP, including during two OTP missions to Conakry in 2016.

Government Human Rights Bodies: The Ministry of Human Rights and Public Freedoms was disbanded with the reorganization of the government following the 2015 presidential election. In 2012 the government had established the ministry to promote human rights awareness and fight impunity, but it did not fulfill the constitutional requirement for an independent human rights commission.

The Provisional Commission for National Reconciliation, established in 2011 to promote reconciliation concerning human rights abuses committed since independence, presented its final report in late June 2016 with a recommendation to establish a permanent truth and reconciliation commission. As of September the process was underway.

In 2014 the government implemented Title XVI of the 2010 constitution and established the Independent National Institution for Human Rights. The institution was controversial from its inception because as established, it was different from the institution described in the law, but it continued efforts to establish its credibility.

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

Women

Rape and Domestic Violence: The law criminalizes rape and domestic violence, but both occurred frequently, and authorities rarely prosecuted perpetrators. The law does not address spousal rape. Rape is punishable by five to 20 years in prison. Victims reported less than 1 percent of these crimes to police due to custom, fear of stigmatization and reprisal, and lack of cooperation from investigating police or gendarmes. Studies indicated citizens also were reluctant to report crimes because they feared police would ask the victim to pay for the investigation.

The law does not directly address domestic violence, although authorities may file charges under general assault, which carries sentences of two to five years in prison and fines of 50,000 to 300,000 GNF (\$5.50 to \$33). Violence against a woman that causes an injury is punishable by up to five years in prison and a fine of up to 30,000 Guinean francs (GNF) (\$3.30). If the injury causes mutilation, amputation, or other loss of body parts, it is punishable by 20 years' imprisonment; if the victim dies, the crime is punishable by life imprisonment. Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and courts rarely punished perpetrators.

Female Genital Mutilation/Cutting (FGM/C): Although the law prohibits FGM/C, the country had an extremely high prevalence rate. UNICEF reported 96 percent of women and girls ages 15 to 49 in the country had undergone the procedure, which was practiced throughout the country and among all religious and ethnic groups. The law provides for a penalty of up to life in prison or death if the victim dies within 40 days of

the procedure. The child code provides for minimum imprisonment of three months to two years and fines from 300,000 to one million GNF (\$33 to \$110) for perpetrators who do not inflict severe injury or death. If the victim is severely injured or dies, the child code specifies imprisonment of five to 20 years and a fine of up to three million GNF (\$330).

The government also cooperated with NGOs in their efforts to eradicate FGM/C and educate health workers, state employees, and citizens on the dangers of the practice. More than 60 health facilities had integrated FGM/C prevention into prenatal, neonatal, and immunization services. A trend for medically trained staff to perform FGM/C under conditions that were more hygienic continued. While the “medicalization” of the practice may have decreased some of the negative health consequences of the procedure, it did not eliminate all health risks; it also delayed the development of effective and long-term solutions for the abandonment of the practice.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>
(<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>)

Sexual Harassment: The 2014 labor code prohibits all forms of workplace harassment, including sexual harassment; the constitution prohibits harassment based on sex, race, ethnicity, political opinions, or other grounds. As of September the Ministry of Labor had not documented any case of sexual harassment, despite its frequency. The 2016 criminal code penalizes sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: The law does not provide for the same legal status and rights for women as for men, including in inheritance, property, employment, credit, and divorce. The labor code prohibits gender discrimination in hiring. Traditional law discriminates against women and sometimes took precedence over formal law, particularly in rural areas.

Government officials acknowledged that polygyny was common. Divorce laws generally favor men in awarding custody and dividing communal assets. Legal testimony given by women carries less weight than testimony by men, in accordance with Islamic precepts and customary law.

Children

Birth Registration: Children derive citizenship by birth within the country, marriage, naturalization, or parental heritage. Authorities did not permit children without birth certificates to attend school or access health care. For additional information, see Appendix C.

Education: Government policy provides for tuition-free, compulsory primary education for all children up to 16 years of age. While girls and boys had equal access to all levels of primary and secondary education, approximately 56 percent of girls attended primary school, compared with 66 percent of boys. Government figures indicated 11 percent of girls obtained a secondary education, compared with 21 percent of boys.

Child Abuse: Child abuse was a problem, and law enforcement and NGOs continued to document cases. Child abuse occurred openly on the street, though families ignored most cases or addressed them at the community level.

Early and Forced Marriage: The legal age for marriage is 21 for men and 17 for girls, but tradition permits marriage at age 14. Early marriage was a problem. There were no reported prosecutions related to child marriage during the year. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prescribes penalties of five to 10 years' imprisonment for all forms of child trafficking, including the commercial sexual exploitation of children, but it was a problem. The minimum age of consensual sex is 15. Punishment if convicted of sex with a child under age 15 is three to 10 years in prison and a fine of up to two million GNF (\$220). The law also prohibits child pornography. These laws were not regularly enforced, and sexual assault of children, including rape, was a serious problem. Girls between ages 11 and 15 were most vulnerable and represented more than half of all rape victims.

Displaced Children: Although official statistics were unavailable, there was a large population of children living on the streets, particularly in urban areas. Children frequently begged in mosques, on the street, and in markets.

Institutionalized Children: The country had numerous registered and unregistered orphanages. According to the Ministry of Social Action and the Promotion of Women and Children, 49 registered orphanages cared for 4,822 children. While reports of abuse at orphanages sometimes appeared in the press, reliable statistics were not available. Authorities institutionalized some children after family members died from the Ebola virus.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<http://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

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

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in education, air travel and other transportation, access to health care, or the provision of other state services. In 2015, however, the country adopted a new labor code that prohibits discrimination in employment against persons with disabilities. The law does not mandate accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. The Ministry of Social Action and the Promotion of Women and Children is responsible for protecting the rights of persons with disabilities, but it was ineffective. The government provided no support to mainstream children with disabilities in regular schools.

National/Racial/Ethnic Minorities

The population was diverse, with three main linguistic groups and several smaller ones identifying with specific regions. While the law prohibits racial or ethnic discrimination, discrimination by members of all major ethnic groups occurred in private-sector hiring patterns, ethnic segregation of urban neighborhoods, and ethnically divisive rhetoric during political campaigns. Ethnically targeted violence occurred during the year.

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

The law criminalizes consensual same-sex sexual activity, which is punishable by three years in prison; however, there were no known prosecutions. In 2012 the government restructured the Office for the Protection of Women, Children, and Morals (OPROGEM)

to include a unit for investigating morals violations, including same-sex sexual conduct. Antidiscrimination laws do not apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

Deep religious and cultural taboos against consensual same-sex sexual conduct existed. There were no official or NGO reports of discrimination based on sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no active LGBTI organizations.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

Discrimination against persons with albinism occurred, particularly in the Forest Region. Speculation continued about their sacrifice. Albino rights NGOs continued to raise awareness of discrimination and violence against persons with albinism.

During the year mob violence happened nationwide. For example, in January in the Forest Region, a mob beat to death two men suspected of abducting children. Authorities arrested more than 30 suspects, and as of September they were awaiting trial.

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. In February 2016 the government adopted a new labor code that requires unions to obtain the support of 20 percent of the workers in a company, region, or trade the union claims to represent in order to strike. The new code mandates that unions provide 10-day notice to the Ministry of Labor before striking, although it allows work slowdowns without notice. Strikes are permitted only for work-related issues; such permission does not extend to government workers, members of the armed forces, or temporary government workers since these categories do not have the legal right to strike.

The labor code protects union officials from antiunion discrimination. The code prohibits employers from taking into consideration union membership and activities with regard to decisions about employee hiring, firing, and conduct. It also allows workers 30 days to appeal any labor decisions.

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

Penalties for various labor violations ranged from fines to imprisonment. Included among labor violations in the penal code are forced labor, smuggling illegal workers, and preventing union meetings. The penal code also defines labor crimes to include punishment of workers and employers who subvert national interests or steal trade secrets. Penalties were insufficient to deter violations.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits some types of forced or compulsory labor, and the 2016 criminal code prohibits debt bondage. The law provides penalties of five to 10 years’ imprisonment and confiscation of any proceeds from the crime of depriving third parties of their liberty through forced labor. The government did not effectively enforce this law or obtain any convictions for adult forced labor. Penalties were not sufficient to deter violations.

Reports indicated adult forced labor was most common in the agricultural sector. Forced child labor occurred as well, and the majority of reported trafficking victims were children (see section 7.c.).

Migrant laborers represented a small proportion of forced labor victims.

See also the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor in the formal sector and sets forth penalties of imprisonment and confiscation of resulting profits. The law does not protect children in the informal sector. The minimum age for employment is 16. Exceptions allow children to work at age 12 as apprentices for light work in such sectors as domestic service and agriculture and at age 14 for other work. The law, however, does not prescribe the number of hours per week for light work nor specify the conditions in which light work may be undertaken, as defined by international standards on child labor. The law does not permit workers and apprentices under age 18 to work more than 10 consecutive hours, at night, or on Sundays.

The Ministry of Labor maintained a list of hazardous occupations or activities that may not employ women and youth under age 18, but enforcement was limited to large firms in the formal sector. The law does not prohibit hazardous occupations and activities in all relevant child labor sectors, including agriculture. The penal code increases penalties for forced labor if minors are involved, but penalties did not meet international standards, and enforcement was not sufficient to deter child labor violations. Although the child code provides that the laws respect treaty obligations and be regarded as law by the justice system, ambiguity about the code's validity continued due to the government's failure to pass implementing legislation.

The Ministry of Labor is responsible for enforcing child labor laws, and it conducted occasional inspections. Authorities did not bring any cases to justice, and inspections were not adequate. OPROGEM, under the Ministry of Security, is responsible for investigating child trafficking and child labor violations. After making an arrest, police transfer all information to the Ministry of Justice. In 2012 the Ministry of Security set up a new unit specifically focused on child trafficking and child labor. The unit had 30 members and brought five cases to trial in 2012, one in 2013, and four during the first half of 2014. In 2014 the court sentenced three traffickers to four months in prison for trafficking 22 minors to Senegal.

Boys frequently worked in the informal sectors of subsistence farming, small-scale commerce, forced begging, street vending, shining shoes, and mining. Smaller numbers of girls, mostly migrants from neighboring countries, were subjected to domestic servitude. Forced child labor occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between ages five and 16 worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. They operated in extreme conditions, lacked protective gear, did not have access to water or electricity, and faced a constant threat of disease. In the region of Kindia, the local child protection committee identified 430 exploited children working as carriers, miners, or house workers, and more than 150 homeless children. Many children did not attend school and could not contact their parents, which may indicate forced labor.

According to a 2011 government study conducted with the ILO, 43 percent of all children between ages five and 17 worked, including 33 percent of children ages five to 11, 56 percent between ages 12 and 15, and 61 percent between ages 16 and 17. Of

working children, 93 percent were employed in what the ILO defines as hazardous conditions--indicating 40.1 percent of all children in the country worked in hazardous conditions.

Many parents sent their children to live with relatives or Quranic teachers while the children attended school. Host families often required such children to perform domestic or agricultural labor, or to sell water or shine shoes on the streets. Some children were subjected to forced begging.

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

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The law does not address discrimination based on race, color, national origin or citizenship, social origin, sexual orientation or gender identity, age, language, or HIV-positive status or having other communicable diseases. The government did not effectively enforce the law. Penalties were not sufficient to deter violations.

Discrimination in employment occurred. Although the law requires equal pay for equal work, women received lower pay for similar work (see section 6). Few persons with disabilities had access to work in the formal sector, although some worked in small family businesses; many survived by begging in the streets.

e. Acceptable Conditions of Work

The labor code allows the government to set a minimum monthly wage, enforced by the Ministry of Labor. In 2013 the government exercised this provision for the first time, setting the minimum wage for domestic workers at 440,000 GNF (\$48) per month. No minimum wage for other sectors was established. There was no known official poverty income level established by the government, but the World Bank set the poverty rate at \$1.90 per person per day.

The law mandates that regular work should not exceed 10-hour days or 48-hour weeks, and it mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least two workdays per month of work. There also are provisions in the law for overtime and night wages, which are a fixed percentage of the regular wage. The law stipulates a maximum of 100 hours of compulsory overtime a year.

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

The Ministry of Labor is responsible for enforcing labor standards, and its inspectors were empowered to suspend work immediately in situations deemed hazardous to workers' health. Inspection and enforcement efforts were insufficient to deter violations. According to the ILO, inspectors received inadequate training and had limited resources. Retired labor inspector vacancies went unfilled. Inspectors lacked computers and transportation to carry out their duties. Penalties for violation of the labor law were not sufficient to deter violations.

Authorities rarely monitored work practices or enforced workweek standards or overtime rules. Teachers' wages were extremely low, and teachers sometimes went six months or more without pay. Salary arrears were not paid, and some teachers lived in abject poverty. The informal sector is estimated to include 60-70 percent of workers. The law applies to the informal sector, but it was seldom enforced.

Violations of wage, overtime, and occupational health and safety standards were common across sectors. There were, for example, reports of unsafe working conditions in the artisanal (small-scale) gold mining communities in the northern section of the country, where inspectors found occupational health and environmental hazards.

Despite legal protection against working in unsafe conditions, many workers feared retaliation and did not exercise their right to refuse to work under unsafe conditions. Data were not available on workplace fatalities and accidents, but accidents in unsafe working conditions were common. The government banned wildcat gold and other mining during the rainy season to prevent deaths from mudslides. The practice, however, continued near the border with Mali, resulting in recurring accidents.

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