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2008 Country Reports on Human Rights Practices - Guinea

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Guinea's constitution was suspended by a military junta that seized power in a coup on December 23, hours after the death of former President Lansana Conte. Before the coup, Guinea was a constitutional republic in which effective power was concentrated in a strong presidency. President Lansana Conte and his Party for Unity and Progress (PUP) ruled this country of approximately 9.9 million persons from 1984 to 2008, first as head of a military junta and, after 1994, as a civilian president. President Conte won reelection in 2003 in an election that the opposition boycotted and international observers criticized as neither free nor fair. Following a nationwide labor strike in January and February 2007 and a negotiated agreement, President Conte accepted the installation of a consensus government under Prime Minister Lansana Kouyate, whom he later dismissed and replaced with Ahmed Tidiane Souare on May 20. Following the December 23 coup, the Council for Democracy and Development (CNDD) assumed power and proclaimed Captain Moussa Dadis Camara as the country's new head of state. The CNDD dismissed the National Assembly leaving the country without a legislative institution. The CNDD later named a civilian prime minister, Kabine Komara. Technically, the prime minister serves as head of government while the president serves as head of state, although the divisions of power are unclear. The civilian authorities generally did not maintain effective control of the security forces.

Serious human rights abuses occurred during the year. Security forces tortured and abused detainees to extract confessions, and killed, beat, and abused civilians. Prison conditions were inhumane and life threatening. Perpetrators of killings and abuse acted with impunity. There were arbitrary arrests, prolonged pretrial detention, and incommunicado detention. The judiciary was subject to corruption and outside influence. The government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and freedom of movement although these restrictions were less evident than in previous years. Violence and societal discrimination against women, prostitution of young girls, and female genital mutilation (FGM) were problems. Trafficking in persons, ethnic discrimination, forced labor, including by children occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed a number of citizens. The government did not investigate any of

these cases and took no legal or disciplinary action against security force members responsible for the killings.

From May 27-29 a military mutiny in Conakry took place in which armed soldiers killed at least four persons and injured approximately 100 others. On May 29, soldiers in Kindia fired into the air in support of the military mutineers in Conakry. A falling bullet killed a petty officer who was on duty. During the mutiny uniformed security personnel shot and killed a 22-year-old man while they were robbing him even though the victim reportedly did not resist the attack. In response to mutineers' demands, the government released approximately 200 military and police officers who had been detained, but never charged, due to the strike-related violence in early 2007.

On June 17, soldiers in Conakry killed 14 police officers after surrounding police headquarters in response to a police labor strike.

There were no developments in the investigations of the deaths and injuries that occurred in 2007 during the nationwide labor strike and subsequent period of civil unrest, during which security forces killed between 137 and 186 people, and injured approximately 1,700 others. In addition, there were no developments in the February 2007 cases in which security forces killed Mamadou Salam Bah and Aissatou Bah.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then president Sekou Toure.

Mob violence at times led to killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, both civilian and military forces beat and otherwise abused civilians. There also were reports that security forces tortured and beat citizens to extract confessions and employed other forms of brutality. NGOs reported ongoing torture in Conakry's main prison and police detention facilities. The government did not investigate any of these cases and took no legal or disciplinary action against security force members responsible for the abuses.

In late February the former government released Lansana Komara, a university professor and member of the opposition political party Rally for the Guinean People (RPG). Komara had been arbitrarily arrested and imprisoned in December 2007. A foreign observer reported seeing physical evidence of severe beatings and torture on Komara, including marks around his neck. Komara claimed that military personnel had nearly strangled him to death with a tightened wire in order to extract a confession of treason.

On May 6, a foreign observer spoke with a recent torture victim at the Conakry Central Prison who was still recovering from large abrasions all over his body. The victim claimed that Conakry police officers had tortured him a few days before transferring him to the prison.

The local NGO Terres des Hommes released a study in May on conditions for minors at Conakry's Central Prison. The NGO reported observing two cases of severe torture by police reportedly inflicted prior to the minors' incarceration.

Local press reported with photographic evidence that, on November 21, Army Lieutenant Claude Pivi authorized the torture of six Cameroonian citizens accused of stealing from his vehicle. Soldiers reportedly beat and tortured the victims for four hours, including forcing them to crawl naked over burning coals and tossing burning

plastic bags on their bodies. The government had not investigated the incident by year's end, and after the December coup, Claude Pivi was named as a member of the CNDD, and then subsequently appointed as the new minister of presidential security.

Unlike the previous year, there were no reports of security force beatings of demonstrators or rapes of civilians.

No action was taken against security forces responsible for torture and related abuses reported in 2006 and 2007.

NGOs reported that vigilante violence was common since many victims of crime feared they would not receive justice due to judicial corruption or they believed that sentences served were inadequate. According to one NGO, citizens in N'Zerekore sometimes waited outside the local prison to attack and sometimes burn released convicts to death. On November 12, civilians in Siguiri stoned Fanta Camara to death after a local radio station publicly identified her as a child trafficker. The next day, the radio station retracted its report, acknowledging that it had misidentified the woman. There were no investigations or arrests made regarding the case by year's end.

Prison and Detention Center Conditions

There are at least three types of prisons under three separate authorities: the Ministry of Justice, the Ministry of Defense, and the gendarmerie. As access to the military and gendarmerie prisons is strictly controlled with little or no international access permitted, very little is known about conditions in these facilities. NGOs estimate that there are between 2300 and 3500 prisoners (including between 100 and 175 females) incarcerated in 32 civilian prison facilities nationwide.

Although the Ministry of Justice administers the prisons, the facilities were managed and staffed by military officers and guards. 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.

During the year most of the country's prisons were restored after having been destroyed during the 2007 civil unrest. An international NGO helped renovate 10 prisons and some communities, in coordination with local government authorities, converted vacant government buildings into prison facilities.

Prisons were overcrowded, and conditions remained inhumane and life threatening. Neglect, mismanagement, and lack of resources were prevalent. Some Conakry prisoners reported sleeping on their knees because their cells were so small. The Conakry Prison was originally built to hold 200 prisoners, but held 1,055 prisoners at year's end.

NGOs reported that the N'Zerekore prison was in extremely poor physical condition, and severely overcrowded with approximately 60 prisoners squeezed into two small cells with no access to fresh air or daylight.

Although the law condemns torture and other abuse, the government took no action against alleged torturers. Prisoners, including children, bore similar wounds and shared common stories. According to NGOs, prisoners claimed that guards routinely threatened, beat, and otherwise harassed them. According to a local prisoner advocacy NGO, 52 percent of the prisoners at the Conakry Central Prison displayed evidence of torture, including scars from cigarette and plastic burns, head injuries, burned hands, and skin lacerations. Prisoners were reportedly routinely tortured to extract confessions or to extort money.

Reports from NGOs indicate prison guards routinely harassed and sexually assaulted

female inmates. One NGO reported that girls under the age of 18 were regularly subjected to sexual exploitation and harassment by prison guards in exchange for favors, especially provision of additional food or water. According to a prisoner advocacy NGO, a prison administrator in Kankan routinely sexually abused a female prisoner serving out a life sentence, and she subsequently gave birth to a child during the year. No action was taken against the administrator by year's end.

NGOs reported endemic malnutrition throughout the prison system. On a routine visit to a small prison in Telimele, a medical doctor working for an NGO estimated that 10 of the prison's 12 inmates suffered from life-threatening levels of malnutrition. Prisoners reported eating one meal a day consisting primarily of white rice and occasionally dried fish. Most inmates relied on assistance from families or friends to maintain their health, or benefited from NGO-sponsored nutrition programs. Guards often demanded bribes in exchange for delivering food to those incarcerated, and routinely confiscated food, which was seldom delivered to the intended beneficiary.

Toilets did not function, and prisoners slept and ate in the same space used for sanitation purposes. Poor sanitation, malnutrition, disease, lack of medical attention, and poor conditions resulted in dozens of deaths. No estimates were available as to the nationwide mortality rate of prisoners, although a local prisoner advocacy NGO reported 92 deaths in Conakry's main prison during the year.

During the year a prison administrator arrested in Mamou in 2006 for raping a female inmate was found innocent because he claimed that he and the prisoner were in love.

There were no further developments in the 2006 case of a prison administrator raping a female inmate in Kindia. Unlike in previous years, there were no reports of female prisoners being sent to work at private homes of government officials.

Some prisoners exercised more power than the guards by controlling conditions and cell assignments, giving better conditions to prisoners who were able to pay.

In most prisons, men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. Local NGOs reported that male juveniles were held separately from adult males at Conakry's Central Prison. However, juvenile and adult females were confined together, and were not given the same freedoms as their male counterparts, such as access to fresh air. In 2006 an international NGO reported the prevalence rate of HIV/AIDS among incarcerated male minors was as high as 50 percent, suggesting sexual abuse. A 2008 study by a local NGO reported skin lesions on 41 percent of juvenile inmates, which it attributed to sexual abuse.

Nationwide figures regarding incarcerated minors were unavailable, but a local NGO reported that 149 children were incarcerated at Conakry Central Prison. Approximately 85 percent of them had not been formally charged or tried. Several had been imprisoned for more than six years. Unlike in previous years, there was no information available as to numbers of children incarcerated with their mothers.

In July local media reported that a two-year-old girl died in a detention center in Fria where she was being held with her mother. The NGO Terre des Hommes reported that only five of 117 juvenile inmates had obtained access to legal representation during the year. The government did not make provisions for children's food, clothing, education, or medical care in prison.

First-time offenders were not separated from repeat offenders, pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. Political prisoners were reportedly held either at the gendarmerie prison PM3 or at the main prison in Conakry, but housed in separate cells from the general population.

The government permitted prison visits by the International Committee for the Red

Cross (ICRC) and other local humanitarian and religious organizations which offered medical care and food for those in severe need. The ICRC was allowed regular access to all official civilian detention facilities; however, no international organization was permitted access to the military detention facilities. The ICRC continued partnership programs with prison and security authorities to improve prison conditions. During the year a local NGO attempted to visit a major military prison on Kosa Island, but government officials claimed that the facility was not a prison.

The government generally provided open access to prisoners and allowed interviews to be conducted outside the presence of prison guards or other government authorities, but only in civilian-run prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces 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. A quasi police unit called the Anticrime Brigade, created to fight criminal gangs and bandits, operated in Conakry and in most major regions and prefectures. The Code of Penal Procedure permits only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well.

The police force was inadequately staffed and lacked training. In addition, a number of police officers were part of a "volunteer" corps that did not receive a salary. 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. Many citizens viewed the security force as corrupt, ineffective, and dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks. The government did not take any action to train or reform security forces, although several NGOs conducted training programs.

During the week-long military mutiny in May, soldiers fired into the air, killing at least four people and injuring approximately 100 others. Soldiers also robbed persons at gunpoint, looted businesses, and otherwise threatened the civilian population.

Arrest and Detention

The penal code stipulates that the arrest of persons in their home is illegal between 4:30 p.m. and 6:00 a.m.; however, night arrests occurred. The penal code also requires the government to issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities routinely did not respect the provision of the law that provides for access by attorneys to their clients. Although the law proscribes 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, although such access may be in the presence of a government official.

Security forces occasionally arrested demonstrators during the year, detaining them for several hours before releasing them. During the May military mutiny, the government released dozens of soldiers who had been imprisoned without charge since early 2007 on suspicion of human rights abuses committed during a nationwide labor strike and resulting period of civil unrest.

In late February the government released opposition political party member Lansana Komara from prison after having arrested and detained him since December 2007 without charge.

Gendarmes detained an unknown number of active and former-military personnel for unspecified reasons. Credible human rights sources reported that the treatment of these detainees was not monitored by independent agents. One international NGO reported that at PM3, the main gendarmerie prison, gendarmes routinely arrested civilians and detained them until they paid bribes for their release. In violation of the law, an unknown number of prisoners reportedly were held on army bases where virtually all contact was forbidden.

Prolonged pretrial detention was a serious problem. Local and international NGOs estimated that 85 percent of all prisoners were awaiting trial.

Judicial inefficiency, corruption, and lack of political will contributed to high pretrial detention rates. Many detainees have remained in prison for more than 10 years without trial. For example, both Abdoulaye Camara and Mohamed Diasy reportedly have served 12 years at the central prison on burglary charges without judgment or sentencing. At least one of them has suffered permanent paralysis as a result of prison conditions. Another prisoner, Thierno Barry, has been in the Conakry Central Prison without judgment or sentencing since his arrest in 1991.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but judicial officials often deferred to executive authorities. The judicial system was endemically corrupt, and magistrates were civil servants with no assurance of tenure. Authorities routinely accepted bribes in exchange for specific outcomes. Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code continued to limit the judiciary's effectiveness.

The judiciary includes courts of first instance, two courts of appeal, and the Supreme Court, which is the court of final appeal. The law provides for a parallel structure for juveniles. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply. Military courts do provide the same rights as civil courts. Civilians were not subject to military tribunals.

In practice the two appeals courts which handle serious crimes rarely functioned, which contributed to lengthy pretrial detentions. By law, the courts of appeal must hold a session once every four months, but met only once during the year.

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 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 penal code 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 government is 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. By law all these rights are extended to all citizens.

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. The traditional system discriminated against women in that evidence given by women carried less weight.

The state security court is composed of magistrates directly appointed by the president, and the verdict is open to appeal only on a point of law, not for the reexamination of evidence.

No legal action was taken against Sekhounah Soumah, an elected official related to the late President Conte who in 2006 assaulted a judge during trial proceedings and ordered him to stop the trial that was in session.

Political Prisoners and Detainees

There were no reports of political prisoners or political detainees.

Civil Judicial Procedures and Remedies

Under the law, there is a judicial procedure for civil matters. In practice the judiciary 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. In practice domestic court orders were often not enforced.

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

The constitution and law provide for the inviolability of the home and requires judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals or when it served personal interests. For example, during the May military mutiny, soldiers reportedly entered private residences, extorted money, and generally threatened civilians.

A local prisoner advocacy NGO reported that prison administrators would occasionally allow a designated family member to serve out the sentence of a convicted relative. According to the NGO, an elderly man in Youmou sent his son to serve out a six month sentence. Similarly a man in Kankan, who had been sentenced to three years in prison, was released after serving part of his term so that he could send his wife to take his place. Due to the NGO's intervention, authorities later released the woman and her five incarcerated children.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of expression and of press. Unlike the previous year, the government generally respected these rights in practice.

The law prohibits talk or chants in public that are perceived as seditious; establishes defamation and slander as criminal offenses; and prohibits communications that insult the president, incite violence, discrimination, or hatred, or disturb the public peace or security. Penalties include fines, revocation of press cards, imprisonment, and banishment.

Citizens could generally criticize the government publicly and privately without fear of reprisal. Various civil society organizations and opposition political parties often distributed public statements criticizing the government, and in some cases, the president.

The government published an official daily newspaper, the *Horoya*, and continued to operate official television and radio stations. The state-owned media provided extensive and mostly favorable coverage of the former government and ruling party while occasionally covering opposition political party activities. State-owned media provided minimal coverage of the May military mutiny and the June conflict between the military and the police. They rarely covered antigovernment demonstrations.

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 with minimal restrictions. There were 13 private newspapers published weekly in Conakry, and dozens of 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.

There was one private book publisher, Les Editions Gandhal, which published without restriction. Foreign publications, some of which criticized the government on a regular basis, were available both in print and electronic format.

The government does not permit media ownership by political parties and religious institutions, but did not restrict programming on political and religious subjects.

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

The government continued to criticize and harass journalists, although less frequently than in previous years. A journalist reported receiving threatening phone calls from the wife of former Prime Minister Kouyate for defaming her spouse after the president dismissed Kouyate in May.

The CNC temporarily suspended two newspapers during the year for libelous reporting. On May 19, the CNC suspended *La Croisade* for two months for insulting other journalists and government officials. On September 15, the CNC suspended *La Veritie* for three months for accusing various members of government of corruption, but the sanction was lifted a week later. All newspapers had resumed normal operations by year's end.

On December 17, security forces confiscated copies of *La Lance* after an unfavorable photograph of the president appeared on the front page.

On December 18, the government arrested two editors of *La Veritie*, Thiernodjo Diallo and Abou Maco Sankara, for publishing an open letter calling for the immediate dismissal of then Prime Minister Souare. The case was dropped after the December 23 coup.

On December 18, the government announced that any individual spreading false rumors that could affect the honor and integrity of the president would be apprehended and arrested. The government also emphasized that any publication or news media diffusing information affecting the privacy of the president, including rumors regarding his health, would be prosecuted.

Ten private radio stations broadcasted throughout the year, nine in the capital and one in Kankan. Twelve rural and community radio stations operated in other parts of the country, and radio remained the most important source of information for the public. Many citizens listened regularly to foreign-origin short-wave radio. The government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services. On November 4, the government temporarily suspended Radio Familia, a private radio station for willfully encouraging street violence. The station ceased broadcasting for several hours, but then resumed normal operations after the CNC stated that the government never ordered the suspension.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the 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 for use by all citizens, but only a small minority of the population used the technology. Cost, illiteracy, and lack of availability remained major constraints to use by a broad range of citizens.

Academic Freedom and Cultural Events

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum; however, teachers generally were not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly. The penal code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The government requires a 72-working-hour advance notification of 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.

Security forces routinely used tear gas and physical force to disperse crowds of demonstrators, but there were fewer reports of death and serious injuries than in previous years. On September 15, volunteer police officers responding to a Conakry market demonstration injured six women when they attempted to restrain them physically. On August 22, soldiers shot and wounded three youths during a peaceful demonstration in Kamsar. The government took no punitive action against the soldiers by year's end.

After seizing power on December 23, the CNDD suspended all political and union activity. This policy was neither enforced nor officially reinstated by year's end.

The government did not investigate any cases and took no legal or disciplinary action against security force members responsible for the killings and injuries committed from 2006 through the reporting year.

Freedom of Association

The constitution and law provide for freedom of association; however, the government infringed on this right in practice. The government imposed cumbersome requirements to obtain official recognition for public, social, cultural, religious, or political associations. Most of the restrictions focused on political associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the constitution before the government recognized them.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

The Secretariat General of Religious Affairs is responsible for providing liaison with all active religious groups in the country.

Approximately 85 percent of the population practiced Islam, and most of these adhered to Sunni teachings and practices. Non-Muslims were represented in the cabinet,

administrative bureaucracy, and the armed forces. However, the government continued to refrain from appointing non-Muslims to important administrative positions in certain parts of the country in deference to the particularly strong social dominance of Islam in these regions.

Societal Abuses and Discrimination

Relations among the various religions were generally amicable; however, in some parts of the country, Islam's dominance created strong societal pressure that discouraged conversion from Islam or land acquisition for non-Islamic religious use.

There were few Jews in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

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; however, authorities at times infringed on these rights. The government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints.

Police and security forces continued to detain persons at military roadblocks to extort money. There were fewer such reports than in previous years, but the practice escalated after the December 23 coup.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and the government has established a system of providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The country has been a place of refuge for asylum seekers from neighboring countries in conflict, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end UNHCR and the National Bureau for Refugee Coordination estimated that the total refugee population was 22,000, the majority of whom were Liberians. At year's end UNHCR reported that only three camps remained operational.

The government, in coordination with 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.

On December 31, UNHCR declared the cessation of refugee status for Sierra Leonean refugees. During the year, the government, with UNHCR, continued to facilitate the local integration of approximately 1,000 Sierra Leonean refugees wishing to remain in the country after the cessation of their refugee status. UNHCR continued to offer financial support for the rehabilitation of communities severely affected after 18 years of hosting refugees.

During the year the government continued to provide temporary protection to

approximately 45 individuals of various African nationalities who may not qualify as refugees under the 1951 UN convention or the 1967 protocol.

Unlike in previous years, there were no reports of rape, assault, or forced prostitution in refugee camps. 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.

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

The constitution and law provide for a popularly elected president and National Assembly; however, the government restricted citizens' ability to exercise this right. Under the law, legislative elections are scheduled every five years; however, legislative elections originally scheduled for June 2007 had not taken place by the end of the year. The constitution provides for the president of the National Assembly to assume power in the event of the president's death, with the requirement that a presidential election be organized within sixty days. On December 23, the military junta suspended this process when it seized power.

Elections and Political Participation

The late President Conte won reelection in 2003. All major opposition parties boycotted the election, criticized by international observers as neither free nor fair. In 2002 the government held municipal and legislative elections, and 16 of 46 registered political parties participated, including all the major opposition parties. According to official results, President Conte's ruling PUP and associated parties won 91 of the 114 seats in the National Assembly. The PUP also garnered approximately 80 percent of the vote with certified victories in 31 of 38 municipalities and 241 of 303 local councils.

The local electoral process in 2003 was characterized by both improvements over past practice as well as serious flaws. Positive developments included freer campaigning, a single ballot listing all parties, transparent ballot boxes, political parties represented at the polling stations, media coverage of events, and free access for national observers. However, the turnout was low, and there were significant irregularities and bias by officials towards the ruling party before and during the vote. These included government revision of voter rolls with limited oversight, exclusion of up to 50 percent of the opposition candidate lists, unequal provision and distribution of voter registration cards and identity documents, and susceptibility to cheating in the district-level vote consolidations.

Political parties generally operated without restrictions or outside influence. After the civil unrest in early 2007, the majority PUP's influence declined, and PUP membership did not confer formal advantages within the political system. However, in May the late president's dismissal of the consensus government, followed by his appointment of many PUP loyalists to positions throughout the government, reversed this trend.

There were 20 female deputies in the 114-member National Assembly and five women on the 26-member Supreme Court, which were dissolved by the CNDD on December 23. Three women held seats in the 36-member cabinet appointed in May. The previous cabinet also included three female ministers. There were few women at senior levels below minister. In 2007 under former Prime Minister Kouyate, the government appointed the country's first female governor and two female prefects. Women generally played a minor role in the leadership of the major political parties; however, Assiatou Bah was vice president of the Union for Progress and Renewal (UPR) while Fatou Bangoura was the political secretary for the Rally for the Guinean People (RPG).

Members of the three main ethnic groups (Soussou, Malinke, and Peuhl) as well as all smaller groups in the country served in the National Assembly. The Supreme Court and cabinet leadership included representatives of all major ethnic groups.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the 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 Worldwide Governance Indicators reflected that corruption was a severe problem. Although the president did not overrule legislative decisions, government officials routinely waited for presidential concurrence, sometimes for several months, before implementing new laws. Connection to the president or his powerful associates sometimes conferred exemptions from taxes and other fiscal obligations. 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.

In 2006 a committee was established to follow up on a 2005 World Bank report on corruption. Each ministry was tasked with creating an internal office to identify and address corruption as related to its duties. During the year the government established commissions within individual ministries to address the 2005 recommendations. However, none of the commissions took action on the recommendations during the year. Public officials were not subject to financial disclosure laws.

Following the May installation of Souare's government, several of the new ministers declared anticorruption a priority, but there was little evidence of concrete actions to address corruption. Although the government improved transparency of the national university exam process in 2007, parts of this year's exam were thrown out due to perceived fraud and had to be retaken.

On January 8, the Ministry of Justice, citing an expired statute of limitations for prosecution, dropped the 2006 embezzlement case against prominent businessman Mamadou Sylla, who the government had briefly imprisoned. The government stated that it would pursue a civil case, but had not done so by year's end.

On August 18, the government briefly arrested and detained the former Secretary General of the Presidency Sam Soumah on embezzlement charges. The president ordered Soumah's release less than 24 hours after his arrest, and the government dropped the case.

As in the previous year, the annual budget approved in July included a line item for all expenditures and each ministry was required to submit justifications for projected spending. Most ministries complied with this requirement. However, the overall lack of transparency made it difficult to determine whether funds had actually been spent according to the budget line items.

On April 7, the government partially released the results of a comprehensive audit initiated in 2007. The ministries of defense and finance were not included in the published results. The former government established a committee to recover missing funds; however, no actions were reported by year's end.

There is no law providing free access to government information. However, the government disseminates some information through radio, national television, and government-owned print media. Throughout the year the government publicized deliberations of the weekly cabinet meetings, and the national television station broadcast the National Assembly's budgetary session. Most other government information was not available to the public, and there was no mechanism to request it formally.

4. 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. Government officials were somewhat cooperative and responsive to their views. The government met with domestic NGO monitors, but did not respond to inquiries nor take action in response to NGO reports and recommendations during the year.

Various government officials continued to block private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. The government did not grant permission to the Association of Victims of Camp Boiro to establish a museum focusing on human rights on the former location of the prison where political detainees were tortured and killed.

The 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 government generally cooperated with other international bodies.

The government has several mechanisms for addressing human rights issues, including a national directorate within the Ministry of Justice and offices within the ministries of defense and interior. However, these organizations remained inactive during the year.

Due to lack of funds, an independent commission of inquiry, established in September 2007 to investigate human rights abuses committed by security forces during the January-February 2007 general strike, did not formally start its investigation by year's end.

5. 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 government did not enforce these provisions uniformly.

Women

Rape is a criminal offense, but is rarely prosecuted. 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 has 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 of the nature of these crimes and promote increased reporting. The authorities were reluctant to pursue criminal investigations of alleged sexual crimes. There were no reports of prosecutions against rapists.

Domestic violence against women was common, although estimates were unavailable as to its extent. Due to fear of stigmatization and reprisal, women rarely reported abuse except at the point of divorce. 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 (approximately \$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.

Prostitution is illegal but is widely practiced and generally tolerated. Selling or managing minors for prostitution is a criminal offense. However, the government did not take action when prostitution of minors was brought to its attention, and it did not actively monitor child or adult prostitution.

Sexual harassment is not against the law. Unlike in previous years, the government did not make regular statements in the media against sexual harassment. Women working in the formal sector in urban areas complained of frequent sexual harassment, and it was not penalized by employers.

The law provides for equal treatment of men and women. The Ministry of Social Affairs and Women's and Children's Issues worked to advance such equality; however, women faced discrimination throughout society, particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over female heirs. Government officials acknowledged that polygamy was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. Although the principle of equal pay for equal work exists, in practice women received lower pay than men. No steps were taken to implement the 2007-11 action plan on women's empowerment.

Children

The law provides that the government should support children's rights and welfare, although in practice the government did not effectively protect children. In May the National Assembly passed a new Child Code that was promulgated by the late President Conte in August. The code specifies broader protections for children, including references to trafficking, domestic violence, and labor.

While access to primary education for both genders generally improved, government spending on education focused on higher learning.

While exact figures are not available, the government does not systematically register births and issue birth certificates, leaving a significant number of children without official documentation, which impedes access to school and health care.

Government policy provides for tuition-free, compulsory primary school education for six years, and enrollment rates were significantly higher than in recent years, although generally low by international standards. Based on official data from the 2006-07 school year, 77 percent of children were enrolled in primary school, including 74 percent of girls. In rural areas, 63 percent of all children and 59 percent of girls were enrolled in primary school. Several government programs continued to contribute to an increase in girl's school enrollment, but enrollment rates for girls generally starts to decline at the middle school level. While girls legally have equal access to all levels of primary and secondary education, social norms and practices result in significantly lower attendance rates at the secondary level.

Child abuse, particularly sexual assault, 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 Conakry pastor who received a sentence for raping at least eight girls in 2006 was reportedly released, and he returned to his home country of Sierra Leone.

FGM was practiced widely in all regions among all religious and ethnic groups, and was performed on girls between the ages of four and 17. FGM is illegal and carries a penalty of three months in prison and a fine of approximately 100,000 Guinea francs (approximately \$22), although there were no prosecutions during the year. According to a 2005 Demographic and Health Survey (DHS), FGM prevalence was 96 percent nationwide, a slight decline from the 99 percent prevalence rate reported in the 1999 DHS. Infibulation, the most dangerous form of FGM, was rarely performed.

The government continued efforts to eradicate FGM and to educate health workers on the dangers of the practice; however, there were no statistics evaluating the success of the program. The government supported the efforts of the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM.

The number of men and women opposed to FGM continued to increase. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure. The NGO TOSTAN was successful in bringing together many communities that traditionally intermarry to combat FGM. Recognizing traditional practices that encouraged FGM, the NGO helped establish binding social contracts where families agreed that they would accept a woman who had not undergone this procedure as an acceptable wife for one of their sons. Continued efforts by NGOs to persuade communities to abandon FGM resulted in thousands of families immediately ending the practice. By year's end, more than 300 communities had publicly declared an end to FGM, underage and forced marriages, and other harmful traditional practices, since the program started.

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 the Fouta and Forest regions. A local NGO reported that nine female inmates incarcerated in Kankan claimed to have murdered their husbands after having been forced into marriage. The CPTAFE, in conjunction with the government, local journalists, and international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

There are no official statistics available on the number of street children.

Trafficking in Persons

Although the law prohibits trafficking in persons, the country was a source, transit point, and destination point for trafficked persons. The law carries a penalty of five to 10 years' imprisonment and confiscation of any money or property received as a result of trafficking activities. The government did not prosecute or convict any traffickers during the year.

The Ministry of Social Affairs and the Promotion of Children is responsible for combating trafficking and chairs the inter-agency anti-trafficking committee. Accurate statistics were difficult to obtain because victims did not report the crime, but the practice is believed to be widespread. Children were the primary victims of trafficking, and internal trafficking was more prevalent than transnational trafficking. Within the country, girls were trafficked primarily for domestic servitude and sexual exploitation, while boys were trafficked for forced agricultural labor, and as forced beggars, street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men were also trafficked for agricultural labor within the country.

Girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea Bissau were trafficked into the country for domestic servitude and sexual exploitation. Guinean women and girls were trafficked to Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain for domestic servitude and sexual exploitation. Chinese women were trafficked for commercial sexual exploitation by Chinese men living in the country. Networks also traffic women from Nigeria, India, and Greece through the country to the Maghreb countries and Europe.

In February the local NGO Sabou Guinee reported that a young boy escaped from a truck driver who was attempting to traffic the boy and two other children into Liberia. The truck driver reportedly hired the children in Kankan to assist him in transporting his shipment to a neighboring town, but instead took them to the border. The truck driver and the other two children were not found.

In March the government apprehended a man in Koundara on suspicion of trafficking 11 children, aged four to 12, over the border into Senegal. According to the local NGO ASERD, the government later dismissed the case because the man had obtained parental permission to take the children into Senegal for religious study.

On January 21, the government released and dropped charges against the five women arrested in 2007 for attempting to traffic 10 children over the border into Sierra Leone. The Government of Sierra Leone maintained that the children were related to the women, and that there was no evidence of trafficking. The government turned the children and the women over to the Sierra Leonian Embassy, which transported them to Sierra Leone for reintegration with their families.

The perpetrator of the July 2006 kidnapping of a seven-year-old girl in Macenta Region was awaiting trial at year's end.

The government continued a public outreach program to combat trafficking during the year, including an antitrafficking radio campaign. In mid-January the government's Permanent Regional Monitoring System issued a report detailing government and NGO anti-trafficking activities. The National Committee to Combat Trafficking in Persons failed to release its tri-annual report on the implementation of the National Action Plan, but did meet during the year to discuss the implementation of its 2005 agreement with Mali, which is a joint plan to combat trafficking in the two countries.

See also the State Department's [2008 Trafficking in Persons Report](#).

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 person with disabilities. The 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-run businesses, and many lived by begging on the streets. In practice, the Ministry of Social Affairs and Child Promotion is responsible for protecting the rights of persons with disabilities.

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. The three major ethnicities form the majority of the population as follows: the Soussou in lower Guinea, the Peuhl in middle Guinea, and the Malinke in upper Guinea. There were smaller ethnic groups in the Forest Region and throughout Guinea. Conakry and other large urban areas such as Kankan and the Forest Region were ethnically heterogeneous.

While the law prohibits racial or ethnic discrimination, ethnic identification was strong.

Mutual suspicion, both inside and outside the government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was widely perceived as exceeding their share of the national population and resulted in local tensions that have erupted in violence in the past.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases. The UPR's main base was the Peuhls, while the RPG's main base was the Malinke.

Other Societal Abuses and Discrimination

Discrimination against homosexuals is not prohibited by law. There are no discriminatory laws based on sexual orientation. Although there were deep social, religious, and

cultural taboos against homosexuality, there were no official or NGO reports of discrimination against homosexuals.

There were no reports of discrimination towards persons with HIV/AIDS.

6. 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 this right was generally respected in practice. Unlike in previous years, there were no reports of employees being fired if they joined a union. 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 several times over the year. By law, arbitration is by consensus and is executed through the Office of the Inspector General of Work within the Ministry of Labor (MOL). In practice, however, employers can impose binding arbitration. The law prohibits strikes in essential services, including hospitals, police, the military, transport, radio and television, and communications.

Labor unions organized several, peaceful strikes during the year. However, on September 15, members of a public sector health union claimed that the government threatened to withhold their salaries, fire them from their jobs, or transfer them to less desirable positions as a form of intimidation before their strike was over.

In June a group of police officers attempted to strike. The group had not formally registered as a labor union, nor did it provide advance notification of intent to strike, as required by the labor code. The military violently ended the strike within a few hours by storming police headquarters, killing 14 police officers, and wounding dozens of others. The government did not investigate any of the killings.

b. The Right to Organize and Bargain Collectively

Under the labor code, 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 concerning wages and salaries without government interference, and employers established rules and hours of work in consultation with union delegates, and this law was generally respected in practice.

There are 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. Gold and diamond mines routinely exploited minors who worked long hours extracting, transporting, and cleaning the minerals. Local NGOs reported that children lived in extreme conditions without water and electricity. Diseases and illnesses were common and there were reports of children being denied contact with family members. A 2006 study by the NGO AGRAAD reported that 45 percent of the 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.

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor. Violations carried a penalty of six months' to five years' imprisonment and a fine of

approximately 50,000 to 382,500 Guinea francs (approximately \$11 to \$83). However, the government did not enforce this provision in practice.

d. Prohibition of Child Labor and Minimum Age for Employment

The general labor code has specific provisions that pertain to child labor. The National Assembly passed a new Child Code in May that further addresses child labor issues. However, child labor was a serious problem and government and NGO sources indicated that exploitative child labor was common.

By law the minimum age for employment is 16 years. 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, or on Sundays. The labor code also stipulates that the minister of labor maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy.

A 2007 Human Rights Watch (HRW) report indicated that nearly all children engaged in some type of work, many in the worst forms of child labor. Many were exploited or enslaved as domestics in the urban sector, miners, or plantation workers. HRW reported that tens of thousands of girls worked as domestics, many of them for up to 18 hours a day with little or no compensation. It added that some allegedly suffered beatings, sexual harassment, and rape. Some girls may also be forced by family members or employers to prostitute themselves in order to earn enough money to survive. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sectors of subsistence farming, small-scale commerce, and mining.

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. One source reported that children were prevented from contacting their parents.

Many young Muslim children sent to live with a Koranic master (marabout) for instruction in Arabic, Islam, and the Koran 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 statistics were difficult to find, there were reports that children were sold into exploitative labor through child trafficking.

The former government spoke out against child labor but lacked the resources and enforcement mechanisms to combat the problem. The MOL is responsible for enforcing child labor laws. The government did not conduct any child labor inspections or investigations, nor did it prosecute any court cases. In April the National Assembly passed a Child Code which includes provisions related to child labor and the president signed the legislation into law in August.

e. Acceptable Conditions of Work

The labor code allows the government to set a minimum hourly wage; however, the government did not exercise this provision nor did it promote a standard wage. Prevailing wages routinely did not provide a decent standard of living for a worker and family. The MOL is responsible for enforcing the minimum wage.

The labor code mandates that regular work should not exceed 10-hour days or 48-hour

weeks, and it also 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, the authorities rarely enforced these rules. The government rarely monitored employers' work practices or sanctioned them for failure to follow the law.

Teachers' wages were extremely low and they sometimes went six months or more without payment. Salary arrears were not paid and some teachers lived in abject poverty. President Conte signed an agreement in June 2006 on teachers' compensation, and some progress had been made in implementing the agreement at year's end.

The labor code contains general provisions regarding occupational safety and health, but the government has not established a set of practical workplace health and safety standards. Moreover, it has not issued any orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the labor code. The MOL is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. Enforcement efforts were sporadic.

Working conditions were worse in the private sector, excluding banking, insurance, and other similar institutions.

Under the labor code, all workers, including foreign and migrant ones, have the right to refuse to work in unsafe conditions without penalty; however, many workers fear retaliation and did not exercise this right in practice.
