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2009 Human Rights Report: Guinea

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Guinea has a population of approximately 10 million. Its constitution was suspended by a military junta that seized power in a December 2008 coup, hours after the death of former president Lansana Conte. In 2003 Conte won an election boycotted by the opposition and criticized by international observers as neither free nor fair. The junta, known as the Council for Democracy and Development (CNDD), proclaimed Captain Moussa Dadis Camara head of state and dismissed the National Assembly. Despite the appointment of a civilian prime minister, Kabine Komara, to serve as head of government, the CNDD consolidated power within the presidency. On December 3, President Camara was shot in the head in an apparent assassination attempt and was recovering in Morocco at year's end. Defense minister and CNDD vice president Sekouba Konate became the interim CNDD president on December 3. The country's constitution and National Assembly remained suspended during the year. Civilian and military authorities did not maintain effective control of the security forces.

Serious human rights abuses occurred during the year. Citizens did not have the right to change their government through periodic elections. Security forces conducted mass killings and beatings, publicly raped women and girls, and tortured and abused detainees to extract confessions. 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, including intimidation from security forces. The government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and movement. Sexual violence against women and girls, societal discrimination against women, and female genital mutilation (FGM) were problems. Trafficking in persons, ethnic discrimination, and forced labor, including by children, occurred.

Due to Captain Camara's August announcement that he might run for president, the opposition coalition known as "Les Forces Vives" held a large protest on September 28 in a Conakry sports stadium, which soldiers violently suppressed with live ammunition, resulting in deaths of at least 157 demonstrators and injuries to approximately 1,200. Security forces also publicly raped approximately 100 women in and near the stadium and arrested demonstrators, an unknown number of whom remained in detention at year's end. On December 3, an unsuccessful attempt to assassinate Captain Camara resulted in another military crackdown, in which an unknown number of civilians and military personnel were arbitrarily killed, injured, or detained.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

During the year security forces killed hundreds of citizens and demonstrators; many of the killings appeared to be politically motivated. Captain Camara and high-level government officials also endorsed and encouraged vigilante killings on numerous occasions during the year. The government did not investigate any security force killings and took no legal or disciplinary action against the perpetrators.

In what Human Rights Watch (HRW) called an "organized operation" that the CNDD planned in advance, several hundred members of the elite Presidential Guard deployed on September 28 to a Conakry stadium where tens of thousands of unarmed and peaceful opposition demonstrators had gathered to protest CNDD policies and the possible candidacy of Captain Camara in the next presidential election. The soldiers surrounded the stadium, blocked the entrances, and used guns and bayonets on the demonstrators, resulting in at least 157 deaths; the government cited 57 deaths and claimed that most resulted from crushing by the crowd and stray bullets. A number of opposition leaders, including Sidya Toure, Cellou Diallo, Jean-Marie Dore, Alpha Conde, and Mouctar Diallo were beaten and then detained by security forces for approximately 12 hours. According to HRW and other sources, security forces reportedly removed dozens of bodies from the stadium and local hospitals and subsequently buried them in mass graves.

Following the December 3 attempted assassination of Captain Camara, the military launched a crackdown during its search for the suspected assassin Lieutenant Aboubacar "Toumba" Diakite; Diakite escaped and remained at large at year's end. Military personnel reportedly arrested approximately 60 soldiers, including civilians, as part of the roundup. Eyewitnesses told journalists that persons were being shot in the streets as they fled from patrols. There was at least one confirmed death but no information as to the numbers killed or injured during the search.

No investigations were conducted into the killing of four persons by security forces during the May 2008 military mutiny in Conakry and the June 2008 killing by soldiers of 14 striking police officers.

During the year government officials, including Captain Camara, endorsed and encouraged vigilante killings.

For example, on February 3, Captain Camara issued a proclamation authorizing the use of lethal force against anyone engaged in drug trafficking, money laundering, armed robbery, or trafficking in children; the proclamation did not specify who was authorized to kill or if other crimes would be punishable by lethal force. During a May 10 news conference, Captain Camara pronounced a blanket death penalty for all criminal activities and said that thieves caught in the act should be killed instantly.

In a June 2 meeting with local officials, the minister of high crimes and anti-drugs, Moussa Tiegboro Camara, stated that armed robbers should be burned alive to avoid overcrowding the prisons. His proclamation was commonly known as "Law 4550," in reference to the cost of a liter of gasoline and a book of matches in local currency. On June 5, Minister Tiegboro congratulated residents in the Yimbaya neighborhood of Conakry on the death of a local criminal who had been tortured by residents. In a June 24 interview with HRW, he claimed that his statements were meant to frighten criminals.

On August 4, Captain Camara praised Boubacar Diallo, a taxi driver, who along with his passengers, beat and killed a bandit on July 21 during a taxi robbery. Captain Camara rewarded Diallo with 10 million Guinea francs (\$2,000) and a new car.

Following the statements by Captain Camara and Minister Tiegboro, incidents of vigilante violence increased throughout the country.

For example, on May 8, in the town of Mandiana, police arrested a man who had kidnapped and held an 8-year-old girl in his home. Despite warning shots from the police, a mob broke into the prison, stoned the man to death, and set his body on fire.

On May 22, a mob gathered outside the Guekedou prison, removed imprisoned military officers Youssouf Keita and Pierre Bangoura, and burned them to death. Police had arrested the officers for a series of crimes and several murders.

On July 15, a crowd gathered outside the Kissidougou jail and demanded that police hand over Faya Antaoine after his arrest for killing his wife. The police reportedly attempted to hold off the mob, but eventually the mob beat and stoned Faya to death outside of the station.

b. Disappearance

There were reports of disappearances, including some that may have been politically motivated. Following the September 28 massacre at the opposition rally in a Conakry stadium, dozens of demonstrators disappeared. The CNDD stated that all bodies of victims killed were returned to family members; however, local press interviewed a number of individuals who stated that they were unable to identify their relatives among the bodies presented by the government. HRW reported that bodies were buried in mass graves (see section 1.a.).

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

The constitution and law prohibit such practices; however, both civilian and military security forces tortured, beat, raped, and otherwise abused citizens and detainees. Nongovernmental organizations (NGOs) reported torture to extract confessions in police and military detention facilities. Minors also were tortured before being incarcerated, according to a May 2008 report by the local NGO Terres des Hommes. The government did not investigate any of these cases and took no legal or disciplinary action against security force members responsible for the abuses.

During the September 28 stadium massacre, security forces used guns and bayonets to kill and injure hundreds of civilians (see section 1.a.).

On June 2, the local press reported incidents of torture, including possible castration, at the military prison on Kassa Island, where approximately 100 military personnel were reportedly detained in inhumane conditions.

On August 8, three soldiers ambushed, beat, and kidnapped Dominic Aboayje, the Ghanaian ambassador, from his diplomatic vehicle in Conakry. The soldiers released the ambassador a few hours later but stole the vehicle.

On August 25, according to a prison official, authorities at Kassa Island transferred a prisoner who had been tortured to Conakry's prison. The prisoner died that night of his injuries.

No investigations were conducted into the November 2008 torture of six Cameroonian citizens authorized by Claude Pivi, an army lieutenant, who was subsequently appointed minister of presidential security during the year.

Security forces used sexual violence to intimidate and brutalize civilians. During the September 28 stadium massacre, members of the Presidential Guard publicly raped and sexually assaulted with weapons approximately 100 women during a brutal repression of an opposition demonstration in Conakry (see section 1.a.). According to human rights organizations and survivors, approximately 20 women were also kidnapped and raped for several days. By year's end no perpetrators had been punished for these crimes.

On March 31, a soldier raped a 15-year-old girl, according to HRW. The soldier was detained for a few days in the military camp. The girl's family did not press charges after the military agreed to pay for her medical expenses.

No investigations or arrests were made into the November 2008 stoning to death of Fanta Camara, whom a radio station erroneously identified as a child trafficker.

No individuals were held responsible for the 2007 torture of Lansana Komara, an opposition party leader and professor who was imprisoned in 2007.

Vigilante violence was common, in part due to lack of confidence in security forces and the judiciary (see section 1.a.). Citizens in N'Zerekore sometimes waited outside the local prison to attack and burn released convicts to death, according to one NGO.

Prison and Detention Center Conditions

Conditions in civilian prisons, which were under the Ministry of Justice, remained inhumane and life threatening. Prisoners, including children, were reportedly routinely tortured to extract confessions or to extort money. According to NGOs, prisoners claimed that guards routinely threatened, beat, and otherwise harassed them. Although the law condemns torture and other abuse, the government took no action against alleged torturers.

All prisons were overcrowded. Conakry Prison, which was built to hold 300 prisoners, held 1,055 prisoners at year's end. Some Conakry prisoners reported sleeping on their knees because their cells were so small. In the N'Zerekore prison, approximately 60 prisoners were squeezed into two small cells with no access to fresh air or daylight.

Reports from NGOs indicated that prison guards routinely harassed and sexually assaulted female inmates. A local NGO reported that half of the female prisoners in Conakry Prison had been beaten or abused during the year. One NGO reported that prison guards regularly subjected girls under the age of 18 to sexual exploitation and harassment in exchange for favors, especially provision of additional food or water.

The prison administrator in Kankan who had routinely sexually abused a female prisoner in 2008 was transferred to another post.

Neglect, mismanagement, and lack of resources were prevalent. Toilets did not function, and prisoners slept and ate in the same space used for sanitation purposes. Access to drinking and bathing water was inadequate. Wells ran dry in the dry season and electric pumps, such as the one in Conakry Prison, did not function. NGOs reported that the roof of N'Zerekore Prison was almost completely destroyed, exposing prisoners to the elements.

A foreign observer reported that inmates in Siguiri Prison lacked access to medical care, adequate food and water, and legal representation, a situation that was common to prisons throughout the country. One prisoner, who appeared in better health than the other inmates, stated that he spent the day at home but returned at night due to a special arrangement with the prison's administrator.

NGOs reported endemic malnutrition throughout the prison system. In a February 23 report, Doctors Without Borders (MSF) detailed their actions in the Gueckedou Prison after finding that 38 percent of the 72 prisoners suffered from acute malnutrition, with 21 percent severely malnourished and 17 percent moderately malnourished. In follow-up visits to other prisons, MSF found similar situations, noting that "such cases of severe acute malnutrition are rare among adult populations, even in vastly more unstable settings of conflict and violence." MSF also reported that 42 percent of the prisoners in Gueckedou Prison suffered from dehydration.

The government stopped delivering food and medicine to the prisons during the first five months of the year. During this period, prison directors relied on charities, the International Committee of the Red Cross (ICRC), and NGOs to provide

food for the prison populations. The medical doctor at Conakry Prison confirmed that during the year, malnutrition contributed to the deaths of several prisoners.

Prisoners reported eating one small meal a day consisting primarily of rice and sauce. Some inmates relied on assistance from families or friends to maintain their health, but relatives often abandoned prisoners due to social stigma and the difficulty and cost of travel to the prisons. Guards often demanded bribes in exchange for delivering food to those incarcerated and routinely confiscated food, which was seldom delivered to the intended beneficiary.

Inmates were not tested for HIV/AIDS upon entry into the prisons, and no statistics were kept; however, a physician working in Conakry Prison estimated that 15 percent of the prison population was infected. The lack of medicine in the prisons, combined with the endemic malnutrition and dehydration, made infection or illness life threatening. In Gueckedou, and commonly in other jails, prisoners with tuberculosis were living together with other inmates.

Poor sanitation, malnutrition, disease, lack of medical attention, and poor conditions resulted in dozens of deaths, but no estimates were available. Although there was no data for the interior of the country, a local prisoner advocacy NGO reported 89 deaths in Conakry Prison during the year and an additional 26 detainees who perished in local hospitals.

Although the Ministry of Justice administered civilian prisons, military officers and guards managed and staffed the facilities. There were reports that some prison administrators followed directives from their military superiors, even when they were in conflict with orders from the Ministry of Justice. Due to limited funds and personnel shortages, prisons were largely staffed by untrained and unpaid "volunteers" who hoped for permanent entry into the military. This system was difficult to manage and particularly vulnerable to corruption and abuse.

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

NGOs estimated that approximately 3,800 prisoners (including between 47 and 100 women) were incarcerated in 32 civilian prison facilities nationwide.

In most prisons, men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. In Siguiri Prison, children were housed with adult men and women. Local NGOs reported that male juveniles were held separately from male adults at Conakry Prison; however, women and girls were confined together and not given the same freedoms as their male counterparts, such as access to fresh air.

Nationwide figures regarding incarcerated minors were unavailable, but a local NGO reported that 135 minors were incarcerated at Conakry Prison. Approximately 85 percent of the minors had not been formally charged or tried, several had been imprisoned for more than six years, and others had grown up in the prison. No information was available on the number of children incarcerated with their mothers nationwide.

The NGO Terre des Hommes reported that only five of 117 juvenile inmates in Conakry Prison 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.

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 Kassa Island military prison or at the Conakry Prison, but they were housed in separate cells from the general population.

Conditions in military and gendarmerie prisons, which were under the Ministry of Defense, could not be verified since the government denied access to prison advocacy groups and international organizations; however, local media reported the use of torture, including castration, at the military police prison and other police and military facilities on Kassa Island.

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

The government permitted prison visits by the ICRC and other local humanitarian and religious organizations that 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 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 Kassa Island, but government officials claimed that the facility was not a prison.

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. Since the December 2008 military coup, the CNDD restructured the gendarmerie as a national police force with responsibility for policing customs, immigration, and airport and seaport security. The army is responsible for external security but also plays a role in domestic security. A quasipolice unit called the Anticrime Brigade, created to fight criminal gangs and bandits, also operated in Conakry. In January the CNDD created the Ministry of High Crimes and Anti-Drugs (HCAD) to investigate illegal drugs, trafficking in persons, money laundering, and organized crime. Since no agents were officially assigned to the HCAD, a small cadre of officers from the gendarmerie, judicial police, and Presidential Guard joined forces to sporadically investigate cases. The code of penal procedure permits only the gendarmerie to make arrests, but the army, Presidential Guard, and state police also detained persons.

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 all the security forces 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.

Discipline within the armed forces deteriorated significantly during the year. According to media reports, local NGOs, and international organizations, a culture of impunity emboldened soldiers to rob persons at gunpoint, loot businesses, and assault officials, foreign ambassadors, and civilians. According to an April 27 HRW report, soldiers in groups numbering up to 20 raided offices, shops, warehouses, medical clinics, and homes in broad daylight as well as at night. Victims included local citizens and foreigners, and many of the victims were also threatened or physically assaulted. No security force members were punished or prosecuted during the year for these cases.

For example, on January 28, according to an HRW report, 10 soldiers robbed a businessman at his pharmacy. The soldiers reportedly entered the premises to search for counterfeit medicines but removed approximately 50 million Guinean francs (\$10,000) from the safe. The soldiers also forced the owner into their car upon leaving but released him within hours.

On May 30, two armed soldiers threw a businessman out of a third-story window of his home and stole his car. The fall broke the man's back, both legs, and both arms.

On July 30, members of the Presidential Guard attacked the first vice president and minister of security, General Toto Camara, during a dispute over a shipment at the port of Conakry. Captain Camara and the perpetrators apologized to Toto Camara, but the perpetrators were not punished.

According to HRW, during the year small groups of soldiers interrupted judicial proceedings or threatened lawyers in an attempt to influence the outcome of proceedings.

Arrest Procedures and Treatment while in Detention

The law requires warrants before an arrest and provides that detainees be charged before a magistrate within 72 hours; however, many detainees were arrested without warrants and incarcerated for longer periods before being charged. The law precludes arrest of persons in their home between 4:30 p.m. and 6:00 a.m.; however, night arrests occurred. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities routinely did not respect the provision of the law that provides client access to attorneys. Indigent defendants were not provided attorneys at state expense. 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, but such access was sometimes denied and could occur in the presence of a government official.

Throughout the year military personnel arbitrarily detained citizens, including members of the media, politicians, businessmen, demonstrators, civil servants, and civil society members. One international NGO reported that gendarmes routinely arrested civilians and detained them at Kassa Island military prison until they paid bribes for their release.

Following the events at the stadium on September 28, security forces arrested and detained an unknown number of civilians. One demonstrator described to a foreign observer how he had been arrested at the stadium by military personnel and then detained at Camp Koundara for 48 hours. The demonstrator described being subjected to torture. He alleged withholding of food and water, beatings, removal of clothing, and being made to hold strenuous physical positions for hours at a time. The demonstrator was held with 11 other detainees and claimed that he was released only after a family member was able to bribe a military officer. There was no further information on the reported remaining 11 detainees by year's end.

Since hundreds of people disappeared in the September 28 violence and the subsequent crackdown, NGOs were unable to determine how many people were killed during the violence or were arrested and detained. Similarly, NGOs could not ascertain how many detainees were still held at year's end. While a local NGO attempted to compile a list of the missing, they were not able to verify the names at year's end.

On April 6, military personnel arrested the vice president of the audit committee, Mouctar Balde, after he stated in a press interview that a prominent businessman did not owe money to the state. Balde was held at Camp Alpha Yaya military barracks for a week before being released.

Gendarmes and members of the Presidential Guard detained an unknown number of active and former military personnel for unspecified reasons. Credible human rights sources reported that the treatment of these military detainees was not monitored by independent agents.

In early January the CNDD detained 12 military officers at Camp Alpha Yaya for approximately three months, where they reportedly were mistreated and beaten. On August 1, they were reportedly moved to the Kassa Island military prison; there was no further information by year's end.

According to HRW, in April security forces at Kassa Island detained and beat a second group of at least three military personnel following an alleged coup plot against Captain Camara. There was no further information by year's end.

On May 26, according to local media reports and HRW, military personnel severely beat Kader Doumbouya, a former military commander who remained detained without charge on Kassa Island prison at year's end.

Judicial inefficiency, corruption, and lack of political will contributed to prolonged pretrial detention. Local and international NGOs estimated that 85 percent of all prisoners were awaiting trial. Many detainees remained in prison for more than 10 years without trial. For example, Aboubacar Sylla had been in the Conakry Prison without trial since his arrest in 1999 for armed robbery.

A number of those arrested were foreign nationals, current and former army officers under the previous regime, and their family members. For example, on November 15, security forces arrested Ousmane Conte and three associates, who remained in pretrial detention without charge at year's end. His brother, El Hadj Moussa Conte, was arrested on August 11 but released a few days later.

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. Magistrates were civil servants with no assurance of tenure, and 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 limited 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, although military courts provide the same rights as civil courts. Civilians were not subject to military tribunals.

In practice the two appeals courts that 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 there were no sessions during the year.

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.

In February the CNDD created the Bureau of Conflicts, an alternate judicial system that adjudicated approximately 3,000 civil and criminal cases heard by military and police personnel. Many of these cases had been previously adjudicated (see section 1.f.). Lawyers had no part in these extralegal, extrajudicial proceedings. In May, after a judiciary strike to protest the creation and function of the bureau, Captain Camara disbanded it.

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.

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 law provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision; however, these rights were not consistently observed in practice. Although the 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.

Political Prisoners and Detainees

Following the September 28 massacre, there were reports of an unknown number political detainees being held at Camp Alpha Yaya and the Kassa military prison. However, junta officials denied the existence of political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations; however, it was neither independent nor impartial, and decisions were often influenced by bribes and based on political and social status. There were no lawsuits seeking damages for human rights violations during the year. In practice domestic court orders were often not enforced.

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

The constitution and law provide for the inviolability of the home and require judicial search warrants; however, soldiers, police, and paramilitary police frequently ignored legal procedures in the pursuit of criminals or when it served personal interests. Soldiers repeatedly entered private residences and businesses to extort money and rob or threaten civilians.

On January 28, according to HRW, ten soldiers robbed a businessman in Conakry; they entered his pharmacy on the pretext of searching for counterfeit medicines. The soldiers reportedly removed 50 million Guinean francs (\$10,000) and forced the owner into their vehicle upon leaving. He was released within hours.

On March 30, the Bureau of Conflicts, an alternate judicial system created and subsequently disbanded during the year, overturned a Supreme Court decision involving a property dispute between a 73-year-old property owner and a neighbor who had allegedly purchased the land. According to HRW, when the elderly man refused to vacate the premises, military personnel arrived on April 2 and fired on the occupants, killing one civilian and wounding another.

Unlike in previous years, there were no reports of a designated family member serving out the sentence of a convicted relative.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of expression and of press; however, the government generally did not respect 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. Journalists practiced self-censorship.

Citizens could generally criticize the government publicly and privately without fear of reprisal, but on several occasions the CNDD threatened or imprisoned individuals who did so. Following the events at the stadium on September 28, many journalists self-censored due to fear of retribution from security forces.

On November 26, HCAD officers arrested Mouctar Diallo, vice president of the Organization for the Defense of Human Rights, after an interview he gave to the foreign press regarding the September 28 massacre. Diallo remained at Camp Alpha Yaya at year's end.

Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the independent media were active and expressed a wide variety of views without official restrictions. The National Communications Council (CNC) provided financial subsidies to independent media organizations.

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

The government published an official daily newspaper, *The Horoya*.

The government did not permit political parties or religious institutions to own media outlets and restricted programming on political and religious subjects. On August 31, the CNC suspended all political discussion on the radio. The ban was lifted on September 9.

The CNDD alternately praised and punished the media. Captain Camara met with the press on several occasions and offered them cash payments, subsidies, and lower taxes. On April 27, for example, Camara reportedly handed out a total of 230 million Guinea francs (\$46,000) "as a gift" to print media members. However, on July 13, after press reports ridiculed a CNDD statement claiming "narco-supported troops" were mobilizing on the country's borders, Camara threatened that he would "deal with" the media and any individual who contradicted his statements.

Private media were frequently excluded from government meetings, leaving only coverage from state-run media outlets. On several occasions security forces physically assaulted members of the private media who tried to attend these meetings and cover other events. For example, on March 12, the International Freedom of Expression Exchange (IFEX) reported that Presidential Guard members whipped, kicked, and robbed Saa Momori Koundouno, a reporter for a private Conakry radio station, while he was covering a clash between soldiers and youth protestors over the sale of a soccer field.

The government operated official television and radio stations. The state-owned media provided extensive and favorable coverage of the CNDD, replacing normal news content with coverage focusing almost exclusively on Captain Camara and other prominent CNDD figures. Opposition political party activities were not covered on national television, and several opposition political leaders reported that they were denied access to state-owned media outlets.

During the year security forces threatened, arrested, detained, harassed, and abused print journalists who criticized the government.

For example, on May 27, gendarmes arrested and detained Moise Sidibe, a prominent and outspoken newspaper critic of the CNDD, and took him to Camp Alpha Yaya, where he reportedly was beaten and tortured. Sidibe was released on June 8 after his family paid a bribe.

On August 3, judicial police detained Aboubacar Sylla, founder of *L'Independent* newspaper and head of the political party Union of Forces for Change (UFC), after he criticized the CNDD during a press conference. Sylla was released later that day without explanation.

According to IFEX, on August 9, soldiers arrested Amara Camara, editor of the private newspaper *Le Confidentiel*, after he disputed a statement HCAD Minister Tiegboro made regarding the danger posed by drugs found in a Conakry

neighborhood. The soldiers reportedly took Camara to Camp Alpha Yaya under the minister's orders and released him two days later.

Unlike in the previous year, no newspapers were suspended for libelous reporting.

Radio remained the most important source of information for the public. Twenty-one private radio stations broadcast throughout the year, including 19 in the capital, one in Kankan, and one in Kamsar. There were also 12 rural and community radio stations in other parts of the country. Many citizens listened regularly to foreign-origin short-wave radio.

On August 13, members of the Presidential Guard arrested Hajaar Souhel, director general of the private Radio Nostalgie FM, as he was preparing the station's anniversary celebration at the People's Palace. Souhel was taken to the military barracks and released later that night with no explanation.

Unlike in the previous year, no radio stations were suspended.

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 August 27, police arrested and detained Diarouga Balde, an independent Internet journalist and reporter at the national television station, for photographing protesters during an antigovernment demonstration in Conakry. Balde was released the following day without explanation or charge.

Internet Freedom

There generally were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms; however, on August 25, the CNDD ordered the four major cell phone companies to suspend text-messaging capabilities following a series of text messages that urged protests against the CNDD; the suspension lasted two days. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was a major platform for voicing criticism against the CNDD, with the most popular sites managed by diaspora members outside of the country. The Internet was available in the capital city and in a few larger towns, but fewer than 1 percent of the country's inhabitants used the Internet, according to 2008 International Telecommunication Union statistics. 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 Pre-University, Technical, Professional, and Civic 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 and 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 force use of excessive force to disperse demonstrators resulted in hundreds of deaths and injuries during the year, particularly during the September 28 security force stadium massacre (see section 1.a.).

On August 17, security forces killed Mohamed Camara, a youth protesting the lack of electricity in Kamsar.

Immediately after the December 2008 coup, the CNDD imposed a ban on public demonstrations and lifted the ban on March 14. Following a September 27 opposition statement on radio and television calling for a demonstration against the junta on September 28, the CNDD issued a ban against any demonstrations or public gatherings scheduled for that day. On September 30, the junta banned any public demonstration or gathering "until further notice." This ban was in affect for the remainder of the year.

During the year there was no punitive action against the soldiers who shot and wounded three youths during a peaceful August 2008 demonstration in Kamsar.

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 presidency, 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 *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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

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

During the year police and security forces increased detentions of persons at military roadblocks to extort money, impeding the free movement of travelers and threatening their safety.

On three separate occasions in August, security personnel prevented the airport departure of opposition leaders Alpha Conde of the Rally of The Guinean People (RPG), Sydia Toure of the Union of Republican Forces (UPR), and Cellou Dalein Diallo of the Union of Democratic Forces of Guinea (UFDG) until Captain Camara personally authorized their departures.

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

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. There is a government-established system providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice the government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The country was a place of refuge for asylum seekers from neighboring countries in conflict, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end the UNHCR and the National Bureau for Refugee Coordination estimated that the total refugee population was 15,325, the majority of whom were Liberians. At year's end the UNHCR reported that only three refugee camps remained operational.

The government, in coordination with the UNHCR, assisted the safe, voluntary return of Liberian refugees to Liberia and facilitated local integration for Liberian refugees unwilling or unable to return to their homes.

During the year the government, with the UNHCR, continued to facilitate the local integration of approximately 1,000 Sierra Leonean refugees whose status had been revoked.

During the year the government continued to provide temporary protection to approximately 66 individuals of various African nationalities who may not qualify as refugees under the 1951 Convention 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. The UNHCR continued to offer financial support for the rehabilitation of communities severely affected after 18 years of hosting refugees.

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

The constitution and law provide for a popularly elected president and National Assembly, and for the National Assembly president to assume power in the event of the president's death; however, the military junta that seized power after former president Conte's death in December 2008 suspended the constitution, dismissed the National Assembly, and had neither scheduled nor conducted elections by year's end. The constitution provides that a presidential election be organized within 60 days of the president's death.

After the December 3 attempted assassination of CNDD president Camara, defense minister and CNDD vice-president Sekouba Konate assumed control of the country as interim president while Camara recuperated in Morocco at year's end.

On November 3, the CNDD and the opposition coalition "Les Forces Vives" began separate mediation talks facilitated by the Economic Community of West African States (ECOWAS) to resolve the political crisis. Burkina Faso's president Blaise Compaore was the ECOWAS-appointed mediator. No agreement was reached by the end of the year.

Elections and Political Participation

The last national election, in which the late president Conte won reelection, was held 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 Party for Unity and Progress (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.

On March 14, the CNDD lifted the ban on political and union activity that had been in force since the December 2008 coup. With the lifting of the ban, more than 60 new political parties were launched during the year, bringing the total number of political parties to more than 100. The government limited the ability of opposition parties to organize and publicize their views.

For example, on June 18, local authorities and military personnel prohibited UFDG leader Cellou Dalein Diallo and a delegation from campaigning in Kerouane. Soldiers also stopped the UFDG campaign outside of Kankan and escorted the delegation out of the city. In August local officials prohibited Francois Louncy Fall, chairman of the United Front for Democracy and Change party, from campaigning in the Boke region. The local prefect also prohibited Fall from campaigning in Siguiri.

Connection to Captain Camara, his powerful associates, or the CNDD often conferred exemptions from taxes and other fiscal obligations.

Four women held seats in the 33-member cabinet appointed by the CNDD in January. There were four women at senior levels below minister, and women held leadership positions in three political parties.

The Supreme Court and cabinet leadership included representatives of all major ethnic groups.

Section 4 Official Corruption and Government 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. 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.

During the year the CNDD declared the elimination of corruption a high priority. On January 13, Captain Camara created the National Audit Commission to investigate corruption charges against members of the Conte regime. Commission members reportedly were authorized to personally retain 10 percent of any recovered funds. The audit process lacked transparency, and by year's end the commission had not issued any reports on its activities or released the amount of funds collected.

The CNDD arrested several members of the former administration suspected of embezzling state funds. On March 6, four former ministers of mines--Ousman Sylla, Louceny Nabe, Ahmed Tidiane Diallo, and Ahmed Kante--were arrested for alleged mismanagement of the government's mining fund. Captain Camara and other CNDD members presided over the investigation, which was conducted on national television. Sylla, Nabe, and Diallo admitted responsibility for the missing funds and agreed to pay back between 200 million and 500 million Guinean francs (\$41,000-\$103,000), according to a repayment schedule. Kante denied any wrongdoing and remained in jail without trial at year's end.

In May Captain Camara announced the formation of another audit commission that would review 24 years of the Conte administration and the first six months of the CNDD regime. However, by year's end this commission's activities were temporarily on hold.

Public officials were not subject to public disclosure laws.

There is no law providing free access to government information. The government disseminated some information through radio, national television, and government-owned print media. Unlike in previous years, the government did not routinely publicize the deliberations of the weekly cabinet meetings; however, the junta frequently broadcast lengthy speeches and deliberations. The national television station broadcast announcements of presidential decrees and other government decisions. Most other government information was not available to the public, and there was no mechanism to request it formally.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government met with domestic NGO monitors, but it did not respond to their inquiries or respond to NGO reports and recommendations during the year.

On November 26, HCAD officers arrested Mouctar Diallo, vice-president of the Organization for the Defense of Human Rights (see section 2.a). Diallo remained in detention at Camp Alpha Yaya at year's end following two trial delays.

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 international governmental organization and permitted visits by UN representatives.

On June 24, HRW recommended that the minister of high crimes and anti-drugs, Tiegboro Camara, publicly retract his statements encouraging vigilante justice and the burning of criminals (see section 1.c.). The minister had not responded by year's end.

On October 8, the CNDD established a National Commission of Investigation (CNEI) to investigate the September 28 massacre. The CNEI did not include representatives from the opposition, labor unions, or civil society. On December 16, the head of the CNEI, Siriman Kouyate, stated that eyewitness accounts of the sexual assaults of women on September 28 were false. The CNEI did not release an official report by year's end.

From November 25 to December 4, representatives of the UN Commission of Inquiry (COI) conducted an investigation of the September 28 massacre. The COI determined that there was sufficient evidence to suggest that the September 28 violence included "crimes against humanity." The COI reported that three individuals might be found personally and criminally liable for those crimes: Captain Camara, Minister Tiegboro Camara, and Lieutenant Colonel Diakite Toubma. There was no official government response to the COI findings by year's end.

The government has several mechanisms for addressing human rights issues, including a national directorate within the ministries of justice, defense, and interior. However, these organizations did not conduct investigations during the year.

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

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape is a criminal offense but was 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 had not changed significantly. Many of these assaults were perpetrated by a person the victim knew and often took place at school; more than half the victims were young girls. Several local NGOs worked to increase public awareness 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 of its prevalence were unavailable. 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 (\$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 it was widely practiced and generally tolerated.

In April security forces raided areas in Conakry frequented by prostitutes and detained numerous prostitutes, their customers, and uninvolved bystanders. The CNDD shaved the heads of the prostitutes, who were questioned and paraded on national television. The women, who were released within the week, were never formally charged.

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

Couples and individuals had the right to decide freely on the number, spacing, and timing of their children, and generally had access to information on how to do so without fear of discrimination, coercion, or violence. Women generally had equal access to diagnoses and treatment for sexually transmitted infections, including HIV. However, cultural norms and taboos reportedly dissuaded individuals from taking advantage of opportunities to learn about reproductive health or seek health services for sexually transmitted infections.

The law provides for equal treatment of men and women, and 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. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over female heirs. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. Although the principle of equal pay for equal work exists, in practice women received lower pay than men. No steps were taken to implement the 2007–11 action plan on women's empowerment.

Children

Citizenship in Guinea can be derived by birth, marriage, naturalization, or parental heritage.

Exact figures were not available, but the government did not systematically register births and issue birth certificates, leaving a significant number of children without official documentation and thereby impeding their access to school and health care.

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

Child abuse, 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.

Ritual murders occurred, although the extent of the practice was unknown due to cultural taboos and a general unwillingness to speak on the subject. On March 16, a three-year-old child was abducted from his Conakry home and killed. His throat was cut, his eyes removed, and his abdomen slit open in a manner reportedly consistent with ritualistic ceremonies involving human sacrifice. The alleged killer and accomplice were being held in Conakry Prison and awaiting trial at year's end.

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 (\$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 to declare their intention to abandon FGM and early or forced marriage. Recognizing traditional practices that encouraged FGM, TOSTAN helped establish binding social contracts in which families agreed to accept a woman who had not undergone FGM to marry one of their sons. Continued efforts by NGOs to

persuade communities to abandon FGM resulted in thousands of families ending the practice. For example, in June a total of 67 communities in the N'Zerekore region declared an end to FGM, and by year's end approximately 364 communities throughout the country had publicly declared an end to FGM, underage and forced marriages, and other harmful traditional practices.

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. During the year six young female inmates, who claimed in 2008 to have murdered their husbands in Kankan after having been forced into marriage, were convicted. No further information was available at year's end. 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 the CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

There were 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 HCAD and the Ministry of Social Affairs were responsible for combating trafficking. The Ministry of Social Affairs chaired the interagency antitrafficking committee. The level of coordination between the two ministries was unclear. Accurate statistics were difficult to obtain because victims did not report the crime, but the practice was 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 men were also trafficked for agricultural labor within the country.

Girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, and Senegal 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 men in the country trafficked Chinese women for commercial sexual exploitation. Networks also trafficked women from Nigeria, India, and Greece through the country to the Maghreb countries and Europe.

On February 3, Captain Camara issued a declaration giving security personnel blanket authority to shoot anyone caught trafficking children; however, there were no such shootings during the year.

In March Alpha Samba, a 12-year-old Sierra Leonian boy escaped after being kidnapped, drugged, and transported from Sierra Leone to Kindia. On March 4, a judge ruled that Samba was a victim of trafficking and authorized the NGO Sabou Guinee, along with the International Organization for Migration, to care for Samba and locate his parents. The government repatriated Samba, but his trafficker had not been apprehended by year's end.

In March, according to the NGO Sabou Guinee, four sisters (Kanny, Saran, Batrou, and Fatou Sangare) were returned to their home in Kankan after their mother took them to a trafficker in Liberia. No action against the mother was taken during the year.

In January Liberian authorities handed over a trafficker suspected of the July 2008 kidnapping and transporting of 12-year-old Aboubacar Camara to Liberia. The alleged trafficker was detained in Macenta at year's end.

There were no arrests or developments in the February 2008 case of the truck driver who attempted to traffic three children into Liberia or the March 2008 suspected trafficking of 11 children from Koundara to Senegal.

The government renewed the National Action Plan to Combat Trafficking in Persons at the beginning of the year; however, there were no resources to implement the plan. During the year the National Committee to Combat Trafficking did not take actions to implement the 2005 agreement with Mali to combat trafficking in both countries.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. There were no official reports of societal or governmental discrimination against persons with disabilities. The 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. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, but it was not effective in practice.

In March the UN reported that military personnel forcibly removed approximately 180 families with members with disabilities from their shacks in downtown Conakry near a mosque where they begged. Prior to their removal, representatives of the group reportedly asked the Ministry of Social Affairs to intervene on their behalf with the government or relocate their families.

National/Racial/Ethnic Minorities

The country's population was ethnically diverse, with three main ethnic groups and several smaller ethnic groups identifying with specific regions. Three major ethnicities form the majority of the population: the Soussou in lower Guinea, the Peuhl in middle Guinea, and the Malinke in upper Guinea. There were smaller ethnic groups in the Forest Region and throughout the country. 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. Under CNDD leadership, a disproportionate number of ethnic Forestiers started receiving special privileges, such as better access to government jobs and contracts. This practice contributed to resentment on the part of other ethnic groups.

The major opposition parties had readily identifiable ethnic and regional bases. For the UPR and UFDG, the ethnic base was Peuhls, while for the RPG, it was the Malinke.

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

There were no laws criminalizing sexual orientation, although there were deep social, religious, and cultural taboos against homosexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual

orientation. There were no lesbian, gay, bisexual, or transgender organizations active during the year, but there were no legal impediments to the operation of such groups.

Other Societal Discrimination

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

Doctors and health workers routinely disregarded medical confidentiality standards resulting in widespread distrust of testing. During the year a domestic worker in Conakry was fired after her physician reported her November 2008 HIV test results to her employer. The employer also informed the community of the results to prevent future employment of the worker.

Section 7 Worker Rights

a. The Right of Association

The law and constitution provide for the right of employees, except for military and paramilitary personnel, to form and join independent labor unions. However, a ban on union activity imposed by the CNDD in December 2008 was in place until March 14 and was imposed again on September 30. The ban remained in place at year's end.

The labor code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Although labor statistics were inadequate, at least 167,000 workers were reportedly unionized.

The law grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike, and workers exercised this right a few times over the year. By law, arbitration is by consensus and 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.

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

b. The Right to Organize and Bargain Collectively

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 for wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates, and this law was generally respected in practice.

There were no reports of antiunion discrimination during the year. Employers generally did not interfere in or prohibit labor union activities. There were no reports of workers being fired because of labor activity.

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 child labor was a problem.

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 (\$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 and the child code have specific provisions that pertain to child labor; however, the government did not enforce the laws effectively. 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, for more than 12 consecutive days, or on Sundays. The labor code also stipulates that the MOL 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.

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

According to both official and NGO sources, many children between the ages of five and 16 worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. Children were described as living in extreme conditions without access to water or electricity and exposed to constant threat of disease and sickness. According to NGOs, the children did not attend school and reportedly were prevented from contacting their parents.

At an artisanal gold mine in Siguiri, a foreign observer noted hundreds of children working and exposed to extremely hazardous environmental conditions, including working in and around mine shafts that were approximately 160 feet deep. Children worked with no protective clothing and were injured from accidental falls into the shafts.

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

The former Conte 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, but it conducted no child labor inspections or investigations and prosecuted no court cases during the year.

e. Acceptable Conditions of Work

The labor code allows the government to set a minimum hourly wage enforced by the MOL; 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 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 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 teachers sometimes went six months or more without pay. Salary arrears were not paid, and some teachers lived in abject poverty.

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.

In early May the Siguri gold mine collapsed; 13 adult miners were killed and an unknown number were injured. Local authorities had recognized that the mine was dangerous and had discouraged the miners from accessing the area; however, the miners had returned at night to work the mine.

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 feared retaliation and did not exercise this right in practice.