

# **GUINEA 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Guinea is a republic. In 2010 the country inaugurated Alpha Conde, the candidate of the Rally of the Guinean People (RPG) Party and longtime opposition leader, as its first democratically elected president since independence from France in 1958. Observers generally regarded the elections as free and fair; however, repeated postponements of legislative elections, originally expected to be held in 2011, stalled democratic progress. The country has never had a free and fair democratic legislative election. The government made some progress in security sector reform, yet elements of the security forces on occasion acted independently of civilian control.

The most serious human rights problems in the country included restricting citizens' right to change their government by not holding legislative elections; security force killings and use of excessive force, including rape, on demonstrators; and the government's failure to punish the perpetrators of such abuses.

Other major human rights problems included disappearances of opposition party members; life-threatening conditions in prisons and detention centers; arbitrary arrests; long periods of pretrial detention and denial of fair trials; arbitrary interference with family and home; restrictions on freedoms of the press and assembly; corruption at all levels of government; violence and discrimination against women and girls, including female genital mutilation/cutting (FGM/C); discrimination against children, persons with disabilities, and members of certain ethnic groups; human trafficking; and forced labor, including by children.

Impunity remained a problem. The government took minimal steps to prosecute or punish officials who committed abuses during the year and in years past. On October 6, President Conde announced the formation of a new Ministry of Human Rights and Public Liberties but did not specify the ministry's mandate, and the ministry had taken no actions by year's end.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

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

For example, on August 4, security forces killed six persons including the village chief in their homes in Zogota, just outside the Forest Region city of N'Zerekore. The six were accused of leading protests on August 1 against ethnic bias in the hiring practices of a multinational mining corporation. The protests led to rioting and looting of the mine site. Witnesses said that a convoy of approximately a dozen trucks carrying gendarmes and police arrived at the village early on August 4. Dozens of protesters were detained but later released. In response the government forced the resignation of the N'Zerekore prefect. The gendarme in charge was reportedly relocated to oversee a special anticrime unit in Conakry.

Impunity persisted for grave abuses perpetrated by state actors in years past, including the security force killings of between 137 and 186 demonstrators in early 2007 and presidential guard killings of at least 150 demonstrators and rape of nearly 100 women and girls in the 2009 stadium massacre. Some high-level indictments of those allegedly responsible for the stadium massacre were made during the year, including Lieutenant-Colonel Moussa Tiegboro Camara on February 1 and Colonel Abdoulaye Cherif Diaby on September 13. At year's end Tiegboro continued to lead an office to combat drug trafficking and organized crime, and Diaby remained in the country as a civilian. The United Nations Human Rights Council (UNHRC) stated authorities arrested two lower-level military officials in 2010, and they remained in "pretrial detention" in Conakry Prison. Two others also were indicted, but remained at large. None of the bodies reportedly buried by security forces in mass graves had been exhumed.

### **b. Disappearance**

The Union of Guinea's Democratic Forces (UFDG) reported at least two politically motivated disappearances during the year. Authorities reportedly picked up Bano Sow and Alpha Souleymane Diallo on January 25. Sow was later released with neither charges nor trial. Diallo reportedly was detained in connection with the July 2011 attempted assassination of President Conde.

The government continued to take no action to investigate the disappearance of dozens of prodemocracy demonstrators following the 2009 stadium massacre. The Association for the Victims of September 28 estimated 90 persons were still missing and presumed dead.

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

Although the constitution and law prohibit such practices, government officials continued to employ them with impunity. Security force personnel used violence to quell demonstrations and punish participants and leaders, resulting in deaths and numerous injuries (see sections 1.a. and 2.b.). On December 10, gendarmes responded to a standoff in the town of Gueckedou. They fired tear gas into crowds and live ammunition into the air. At least one woman was raped in her home by a man in uniform. Three persons were killed, but it was not clear by whom as protesters were also armed with rifles, slingshots, and other weapons.

Abuse of prisoners was common. Guards tortured, beat, raped, and otherwise abused detainees, including children. Human rights activists noted that the most egregious abuses targeted prisoners in gendarmerie detention centers awaiting charges from magistrates.

For example, in one case authorities prosecuted a gendarme (Staff Sergeant Momo Bangoura) and sentenced him to 15 years in prison for torturing to death a prisoner (Moussa Deen Diare) in Kindia. A policeman in N'Zerekore was also arrested for raping a 15-year-old girl in the police station.

### **Prison and Detention Center Conditions**

Conditions in civilian prisons, which were under the Ministry of Justice, remained harsh and life threatening. Poor sanitation, malnutrition, disease, and lack of medical attention resulted in several deaths. Prison guards routinely threatened, beat, and sometimes tortured prisoners to extract confessions or extort money, although there were fewer such reports than in previous years. Conditions in gendarmerie detention centers were reportedly worse than in civilian prisons. Torture; beating; bribery; and intermingling of minors, women, and men continued to be problems at detention centers.

Physical Conditions: Prisoners are held in two separate systems. Suspects who are arrested are usually taken to gendarmerie detention centers where they are supposed to be held not more than 48 hours (renewable once) and then either charged or released. If charged, they should then either be freed on bail or transferred to a civilian prison for a pretrial detention period limited to four to six months, renewable for up to a year. However, detainees were often held without charge beyond the 48-hour period in gendarmerie centers and held indefinitely without trial in civilian prisons where they mixed with convicted prisoners.

All prisons and detention centers were overcrowded. Conakry Prison, for example, with a design capacity of 300, held approximately 1,300 prisoners at year's end. The nongovernmental organization (NGO) Equal Rights for All (MDT) estimated 2,600 prisoners were incarcerated in 33 civilian prisons nationwide. Official statistics on incarcerated minors held nationwide were unavailable, but the international charitable federation Land of People (TDH) estimated 231 minors had been held in 2011, including 61 at Conakry Prison--57 boys and four girls. The report noted they were held in the section for minors at Conakry Prison with 50 other adults. Furthermore, the report indicated only four of the 61 minors had been tried and convicted of crimes. The government did not provide for the children's food, clothing, education, or medical care in prison. In September, the government, in consultation with the TDH, issued a new code for the treatment of children in prison or accused of crime. It includes recommendations for health, hygiene, housing, and daily activities such as parental visits. The government did not keep official statistics on how many prisoners were held in gendarmerie detention centers.

In most prisons men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. Men, women, and children were intermingled at gendarmerie detention centers--sometimes with women sleeping in hallways outside the prison cells. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest.

Gendarmerie detention facilities were intended to hold civilian detainees for not more than two days as they await court processing. In practice such "temporary" detention could last anywhere from a few days to several months. The government routinely suspended habeas corpus. For example, one gendarme commandant said he had held one prisoner for more than a month, although he was not aware of the charges against the prisoner: he was simply told to "hold" the prisoner. Like prisons, gendarmerie facilities were dank and fetid. Access to medical care was inadequate, highlighted by the September 5 death of Colonel Issiaga, accused of participating in the July 2011 assassination attempt on President Conde. (The circumstances of the July 2011 assassination attempt remain murky.) Another July 2011 detainee, Colonel "Aidor" Bah, was evacuated to Morocco for medical treatment. He then returned home where he died in November. Issiaga died of an illness from which he was suffering when arrested, whereas Bah died from an illness he contracted in prison.

Lack of medicine in prisons, combined with endemic malnutrition and dehydration, made infection or illness life threatening. In several regions prisoners with tuberculosis were held together with uninfected inmates. An agreement for the Ministry of Health to provide medical treatment to prisoners was not carried out. Prisoners relied on family members to bring medication on visits, but visitors often had to pay bribes to provide the medicine to prisoners. Prisoners were sometimes close to death before they were given treatment. The MDT estimated at least 20 persons died in prison or detention centers during the year.

Neglect, mismanagement, and lack of resources were prevalent. Toilets did not function, and prisoners slept and ate in the same space used for sanitation purposes. Access to drinking and bathing water was inadequate. Many prisons were former warehouses with little ventilation. Temperatures were stifling, and electricity was insufficient. Although some prisons replaced tin roof panels with transparent ones, most prisons were dark. The UNHRC and NGOs noted that treatment at gendarmerie detention centers was much worse than in prisons, as the detention centers were not intended to house prisoners for long-term stays. For example, there is no set system for meals or medical treatment at gendarmerie detention centers.

NGOs reported endemic malnutrition throughout the prison system, which did not generally provide food or medicine to inmates, although food was provided at the Conakry prison. Prison directors relied on charities, including the International Committee of the Red Cross (ICRC), and NGOs to provide food for inmates. The Conakry Prison claimed it had begun offering two meals a day to all inmates in 2011. However, NGOs disputed that claim, saying prisoners in Conakry and elsewhere still received only one meal per day and many still relied on food from outside sources. Inmates relied on assistance from families or friends to maintain their health, but relatives often abandoned prisoners due to the difficulty and cost of travel to the prisons. Guards often demanded bribes for delivering food or medication to inmates and routinely confiscated prisoners' food.

Although the Ministry of Justice administered civilian prisons, some prisoners exercised more power than the guards, controlling conditions and cell assignments and providing better conditions to prisoners who were able to pay. There were reports that some prison administrators followed directives from their military or gendarme superiors, even when they conflicted with orders from the Ministry of Justice. Sometimes the court would order prisoners released, but guards would not release them until they paid bribes.

Administration: Authorities did not use alternatives to incarceration for nonviolent offenders. Prison recordkeeping improved in the year, with records of prisoners transferred from gendarme facilities to civilian prisons. However, if prisoners paid bribes for their release, records of their arrest would often be lost. There were no ombudsmen to respond to complaints. There is a mosque and chapel at Conakry Central Prison. Prisoners could pray at normal prayer hours in the mosque or in their cells if the mosque is full. A priest visits the prison for regular Christian prayer sessions in the chapel. The MDT said religious practice is restricted at other prisons. Prisoners and detainees have the right to submit complaints but seldom did so due to fear of reprisals by prison guards and the gendarmerie. They must also use a lawyer to file a complaint, but lawyers were scarce and expensive. Prison authorities did not investigate credible allegations of inhumane prison conditions. The penal code authorizes payment to prisoners of 100,000 GNF (\$14.38) for each day they are unlawfully imprisoned. A human rights activist attempted to bring a lawsuit for Kadiatou Bah, a woman arrested and held arbitrarily for three weeks in May. A judge prevented the suit from going forward, saying the government could not afford to pay all of the prisoners that had been unlawfully imprisoned.

Monitoring: The government permitted prison visits by local humanitarian and religious organizations that offered medical care and food to those in severe need. The ICRC had regular access to all civilian detention facilities and continued partnership programs with prison and security authorities to improve civilian prison conditions. The government also allowed international organizations and NGOs access to detention centers operated by the gendarmerie. Conditions in military prisons, which were under the Ministry of Defense, could not be verified since the government denied access to prison advocacy groups and international organizations.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit such practices, but the prohibitions were not always observed. Security forces arrested demonstrators without warrants and held detainees without charge for days, weeks, months, and years beyond legal limits. After protests on May 10 and August 27, gendarmes pursued and arrested several hundred persons in their homes, places of work, and on the streets. Human rights group Research Institute on Democracy and Rule of Law said police took as many as 600 persons into custody. Many told the same story: they were arrested, held at a gendarme detention facility, sometimes beaten, asked to pay bribes, and eventually released without charge after three weeks.

## **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 the ill-defined responsibility for internal security. The army is responsible for external security but also plays a role in domestic security. The Special Security Forces for the Electoral Process (FOSSEPEL), a 16,000-member unit composed of police and gendarmes, was created in 2010 to ensure security during the elections and was under the Ministry of Security. Following elections most FOSSEPEL members returned to their police or gendarme units. The law permits the military, FOSSEPEL, the gendarmerie, and police forces to make arrests, although only the gendarmerie can arrest members of the military and police forces.

There was limited progress with security sector reform. While the police remained ineffective, poorly paid, and inadequately equipped, the gendarmerie received improved training and equipment. Still, corruption was widespread (see section 4). Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Many citizens viewed the security forces as corrupt, ineffective, and dangerous. There were limited internal and external mechanisms to investigate security force abuse, and these mechanisms were not effective due to a lack of professionalism, skills, and a functional civil justice system.

The most significant progress included returning the army and other military to the barracks, a result of laws from 2011 that took effect during the year. Uniformed military rarely appeared on the streets of Conakry, and heavy military equipment was not in plain view. The laws also included provisions to prevent soldiers from appearing in public in their uniforms, unless they were on their way to or from work. Additionally, soldiers were not allowed to visit social establishments in uniform.

The UNHRC conducted peacekeeping training sessions for 150 military officers in Kindia in February. It also conducted human rights training for more than 200 police officers and gendarmes in Conakry, Kinda, Kankan, Labe, and N'Zerekore from April to July.

There were instances in which security forces failed to prevent or respond to societal violence. For example, during the week of January 30, the cities of Conakry and Kindia experienced rioting over inadequate electricity. Rioters burned cars, robbed stores, and destroyed other property after widespread outages

prevented many from viewing highly anticipated soccer matches during the Africa Cup of Nations.

### **Arrest Procedures and Treatment While in Detention**

Although the law requires a warrant to make an arrest, police arrested many detainees without warrants. The law also provides that detainees be charged before a magistrate within 48 hours, renewable once if authorized by a judge, but many detainees were held for longer periods. In cases involving national security, the law allows the length of time to be doubled to 96 hours, renewable once. The UNHRC noted some improvement in adhering to the 48-hour regulation; however, violations persisted.

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

Arbitrary Arrest: Security forces arbitrarily arrested scores of demonstrators during the year. Many took place without warrants and in violation of other due process protections provided in the law (see sections 1.a. and 2.b.).

Pretrial Detention: According to 2008 statistics, approximately 67 percent of prisoners were in pretrial detention. However, the MDT estimated that the figure was higher during the year due to the backlog of cases. Pretrial detainees were often held three years or more before sentencing or release. Judicial inefficiency and corruption contributed to the long delays. Although the government gave additional resources for investigating the high-profile assassination attempt in July 2011, at year's end the accused continued to be held in prison, and no formal trial date had been announced. On July 2, a criminal court dismissed charges against 17 of an estimated 70 accused. At year's end 40 defendants remained in custody--34 were expected to face trial in the criminal Cour d'Assise, a trial process for serious and violent crimes--in January 2013, and six to face trial in yet-to-be-established military tribunals.

### **e. Denial of Fair Public Trial**

Although the constitution and law provide for an independent judiciary, the judicial system lacked independence and was underfunded, inefficient, and overtly corrupt (see section 4). Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code limited the judiciary's effectiveness, as did nepotism and ethnic bias. For example, Mamadou Bilo Barry remained in "pretrial detention" since his arrest in 2001 for theft. His lawyer says he has not been able to get a trial because "the court lost his file." Regularly scheduled criminal trials with the Cour d'Assise had not been held in almost seven years before they began again during the year. The first person to face trial in the Cour d'Assise in February, Facely Fofana, was arrested in 2005. He was released without any finding of guilt, after spending seven years in pretrial detention.

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, a case not resolved to the satisfaction of all parties in the traditional system could be referred to the formal system for adjudication. In the traditional system, evidence given by women carried less weight.

### **Trial Procedures**

Trials are public, and juries are used for criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. The prosecution prepares a case file, including testimony and other evidence, and provides a copy for the defense. Defendants have the right to confront and question prosecution witnesses and to present witnesses and evidence on their own behalf. The law provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel (but only for major crimes), and the right to appeal a judicial decision, although these rights were not consistently observed in practice. Defendants have the right to be informed in detail of the charges with free interpretation as necessary and to be charged within 48 hours. A defendant should not be held for more than six months to a year (depending on the charge) before trial.

In practice, however, defendants were frequently denied these rights. Arrest and detention is arbitrary and there were not enough lawyers and judges to try the cases in a timely fashion. Although the government was responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. Attorneys for detainees are allowed access to their clients, although often in the presence of prison guards or gendarmes. The country adheres to the principle of not compelling a defendant to incriminate himself; however, torture in detention centers undermined this protection.

Trial procedures were chaotic and inadequate for the hundreds arrested in the wake of demonstrations on May 10, August 27, and September 21 and 29. There were not enough interpreters, and many of the suspects did not understand the charges read against them in French. The president asked for their release, and most were released by year's end.

### **Political Prisoners and Detainees**

In addition to the arrests of demonstrators, the UFDG reported that several of its members were arbitrarily arrested during the year. Thierno Soufiana Diallo, chairperson of one of the party's grassroots committees, died in prison on January 12 after reportedly being tortured. Alphadio Bah, a youth organizer, was arrested on December 11 and claimed to be tortured at gendarmerie detention centers. He remained in detention at year's end.

The UFDG also claimed its members were routinely targeted for arbitrary arrest after protests or other events (specifically those on May 10 and August 27). Additionally, it stated 73 supporters were arbitrarily arrested--and later released without charge--after a "roundup" following the killing of treasury director and anticorruption activist Aissatou Boiro.

### **Civil Judicial Procedures and Remedies**

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations. Nevertheless, the judicial process was neither independent nor impartial, and decisions were often influenced by bribes and based on political and social status. There were few lawsuits seeking damages for human rights violations during the year, in part due to public fear of suing security force members and lack of confidence in the competence and impartiality of the judiciary. However, the MDT brought two cases of torture

during the year, including Alceney Camara, an accused thief allegedly tortured in a gendarmerie detention center in Matoto, and Ibrahima Sow, who was allegedly tortured to death in a gendarmerie detention center in Hamdallaye. These cases were pending at year's end. Domestic court orders were often not enforced.

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

Although the constitution and law provide for the inviolability of the home and legal searches require judicial search warrants, police reportedly ignored legal procedures in the pursuit of criminal suspects or when it served their personal interests.

Prisoners detained after the May and August mass arrests described being taken from their homes at all hours, having their personal belongings taken (notably cell phones), and being asked for payment to be released on the spot or from the gendarmerie.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

Although the constitution and law provide for freedom of speech and of the press, the government restricted freedom of the press during the year.

Freedom of Press: Independent media were active and generally expressed a wide variety of views. Print media had limited reach due to low literacy rates (41 percent) and the high cost of newspapers. Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country. There were some reports of state censorship through journalist harassment and station closures.

On August 26, the National Communication Council's (CNC) suspended private radio station Liberte FM, based in the Forest Region city of N'Zerekore. The closure prevented Liberte FM from covering protests announced by opposition leaders for the following day. The national government allowed Liberty FM to reopen 48 hours later, after the protests concluded.

On October 1, Electricity of Guinea cut service to Espace FM, host of the investigative reporting radio program "The Big Mouths." The utility company claimed that Espace FM and its sister station, Sweet FM, collectively owed nearly

150 million GNF (\$21,521) for electricity bills, despite the station's possession of payment receipts. The dispute remained unresolved in court at year's end. Both stations were forced to operate on generator power at a cost of two million GNF (\$287) per day per station.

Violence and Harassment: There were reports during the year of direct physical attacks, harassment, and intimidation of journalists by government and military officials. For example, on February 27, gendarmes aggressively ejected a journalist from the Central Bank of Guinea. The journalist suffered some cuts and bruises. Despite having credentials that were in order, she was thrown into the street by gendarmes. Although a gendarmerie spokesman apologized and reassigned the gendarmes, they were not punished or reprimanded.

On August 31, officers from the antiriot police unit assaulted and arrested Emmanuel Millimono and Aissatou Diakite, reporters from Soleil FM and Espace FM, while they were covering a rally against police brutality. Both were released after three hours in detention and a senior officer's intervention.

Journalists often reported civilian attacks on them and destruction of their property at protests. For example, on March 27, progovernment supporters attacked and injured four journalists from Espace FM, who were covering an opposition march. Their vehicle, clearly identified as belonging to Espace FM, was also damaged. Journalists reported that attacks at protests often occurred in the presence of police officers who did nothing to stop them.

Censorship or Content Restrictions: The government was accused of penalizing stations and journalists who broadcast items criticizing government officials and their actions. For example, on December 13, the CNC suspended for five weeks Planet FM's popular debate program, "Journalist Roundtable." Show host and station director Mandian Sidibe was banned from the airwaves for one week. The suspensions were based on a defamation complaint filed by presidential advisor Fode Idrissa Toure. When told of the suspensions, Mandian Sidibe was not informed which specific statements or actions were deemed defamatory.

Also on December 13, the CNC issued a warning to Espace FM for commentary it aired regarding violent unrest in the southern town of Gueckedou. Three persons were killed in demonstrations demanding the ouster of government official Bakary Keita for alleged abuse of power. The CNC did not specify why the commentary led to the warning.

On December 18, the CNC summoned Moussa Yero Bah of Planet FM to scrutinize an audio recording of her December 16 “Nothing to Hide” program, in which commentators criticized the suspensions imposed on the station on December 13. Council members told Bah they would issue a ruling but had not done so by year’s end.

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

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

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. According to the International Telecommunication Union, 1.3 percent of individuals used the Internet and 1.1 percent of households had access to the Internet in 2011.

### **Academic Freedom and Cultural Events**

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

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution provides for freedom of assembly, but the government restricts it both in law and in practice. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The government requires 72-working-hour advance notification for public gatherings. Authorities did not issue permits routinely. The law permits local authorities to prohibit a demonstration or meeting if they believe it poses a threat to public order. Authorities may also hold event organizers criminally liable if violence or destruction of property occurs.

Authorities frequently banned public rallies and demonstrations. When there were demonstrations, there were often reports of security forces using excessive force.

Violent clashes between security forces and demonstrators resulted in numerous injuries, detentions, and arrests during the year. For example, a sit-in on April 19 by women concerned about procedural issues for organizing legislative elections was dispersed by police using tear gas and kicking and hitting the women with belts. The government said the demonstration was unauthorized. An estimated 20 protesters were injured and many were arrested.

On August 25, in anticipation of a planned march by opposition leaders, the minister of territorial affairs and decentralization and the governor of Conakry outlawed all public rallies. When opposition supporters gathered to march on August 27, gendarmes blocked them. Some demonstrators retaliated by throwing rocks and destroying property. Gendarmes used batons and tear gas on the demonstrators. Opposition leaders, after a meeting in the home of former prime minister Lansana Kouyate, attempted to join their followers on the streets of Conakry. They were prevented from doing so when security officers directly fired tear gas at the opposition leaders' convoy of vehicles. For the rest of the day, security officers confined them to Kouyate's home, but they were permitted to return to their respective homes in the evening. There were no reports of deaths, but dozens were injured, and the opposition reported the arrest of at least 75 supporters.

While there were clashes at unauthorized protests, the government finally permitted widespread opposition protests in Conakry on September 20. These protests were, for the most part, nonviolent and orderly. They were hailed as a peaceful success by both opposition participants and security forces. However, their positive effect on the right to assembly was marred the next day by ethnic clashes in the Madina market area where one person was killed.

The country also made progress in restricting the military from providing security at protests. Instead, gendarmes and police conducted crowd control and riot protection.

### **Freedom of Association**

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

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, police and security forces continued to detain persons at roadblocks to extort money, impeding the free movement of travelers and threatening their safety. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

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

On June 6, the government announced the elimination of all roadblocks on the country's highways but declared it would maintain checkpoints along the country's borders and on certain strategic routes in Conakry. The government's decision came after protests in the central city of Mamou denouncing the killing of a taxi driver by security forces earlier in the week. A gendarme reportedly shot and killed him after he attempted to run a roadblock. Despite the national government's call to eliminate roadblocks, police and gendarmes set up random check points throughout the capital and the country where drivers were routinely asked to pay "tolls" or other illegally collected fees. High-level government officials acknowledged the practice continued but claimed to be powerless to stop it.

#### **Protection of Refugees**

The country was a place of refuge for asylum seekers from neighboring countries, including Liberia, Sierra Leone, Cote d'Ivoire, and Mali. At year's end the UNHCR estimated the total population of concern to be 10,903, including 10,371 refugees and 532 asylum seekers with applications pending. This figure represented a 37 percent drop from the start of the year, as the UNHCR began repatriating Liberian refugees following the expiration of their prima facie refugee

status on June 30. The majority of remaining refugees were either Ivoirians or the remaining Liberians awaiting local integration in Guinea.

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

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

On June 30, the UNHCR invoked the cessation clause, clearing the path to end the continued refugee status of refugees from Liberia. The UNHCR and the government subsequently began assisting the local integration of Liberians or facilitating their voluntary return to Liberia. The UN completed the repatriation program when 724 Liberian refugees were repatriated from the country during the last weekend of the year. A total of 5,568 were repatriated during the year. The UNHCR said 3,520 Liberian refugees remained and expected to be assimilated into Guinean society--with such assistance as small plots of land, letters of introduction to small businesses, resident cards, and microfinance loans. Some Liberians applied to maintain their UNHCR refugee status. If granted, they would receive access to legal assistance and medical care as well.

There were 171 Sierra Leoneans remaining in the country with “urban refugee” status. They received access to legal assistance and medical care from the UNHCR, but otherwise lived as other residents in the country. After the Sierra Leone refugee program ended in 2008, most Sierra Leoneans were either repatriated or became Guinean residents. However, approximately 800 refugees missed the chance to choose which option they wanted. It is presumed most of these individuals probably still live in Guinea, without official papers.

After the UNHCR completed the Liberian and Sierra Leonean programs, refugees from Cote d’Ivoire represented the largest group of UNHCR- and government-recognized refugees in the country, with 6,552 at year’s end. The country was also home to fewer than 100 UNHCR-recognized refugees from Angola, Burundi, the Central Africa Republic, Chad, the Democratic Republic of the Congo, the Republic of the Congo (Brazzaville), the Gambia, Nigeria, Palestine, Rwanda, Somalia, Togo, Uganda, Iraq, and Mali.

Temporary Protection: During the year the government continued to provide temporary protection to approximately 65 individuals of various African

nationalities who may not qualify as refugees under the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.

### **Stateless Persons**

According to the UNHCR, as of December there were an estimated 800 effectively stateless persons from Sierra Leone. These persons did not meet any of the criteria for Guinean citizenship, which include birth within the country, marriage, naturalization, or parental heritage. The UNHCR explained that these refugees requested neither repatriation nor local integration after the invocation of the cessation clause for refugees from Sierra Leone. Some of this population still lived in abandoned refugee camps, others moved from former refugee sites in Kissidougou to artisanal gold-mining areas in the northeast of the country. The UNHCR stated there were also some stateless persons, most likely from Mauritania, who moved to the country through Senegal.

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

The constitution and law provide citizens the right to change their government peacefully, yet citizens were restricted in their ability to exercise this right. According to the transitory provisions agreed by political parties in 2010, legislative elections should have been held in or close to January 2011. Delayed completion of the 2010 presidential election rendered this date unfeasible, and legislative elections continued to be postponed due to disagreement between the government and the opposition parties over the composition of the Independent National Electoral Commission (CENI), the voter registration system, and other procedural issues. The National Transitional Council (CNT) remained in place as an acting legislature with limited power.

### **Elections and Political Participation**

Recent Elections: In 2010, after two rounds of presidential voting, RPG candidate Alpha Conde emerged as the victor. International observers characterized the results as credible and free, yet Cellou Dalein Diallo, who ran against President Conde in the second round and ultimately acknowledged Conde's win, challenged the results in the Supreme Court. Diallo noted that CENI had refused to disqualify ballots from two contested prefectures where many minority Peuhls were unable to vote due to ethnically motivated attacks against them in October. The Supreme Court rejected his complaint and validated the election results two days later.

Violence erupted between supporters of Diallo and Conde before the second round of elections and after the announcement of Conde's victory. Mobs of youths and men armed with rocks, sticks, iron bars, knives, machetes, and, in a few cases, small swords and hammers attacked supporters on both sides of the ethnic-political divide. While security forces sought to quell the violence, they failed to provide equal protection to all citizens, according to Human Rights Watch. In some cases FOSSEPEL used lethal force to suppress violence by members of the Peuhl ethnic group.

Legislative elections were postponed in 2011 and again during the year as government and the opposition parties negotiated procedural issues. Protests by opposition parties led to the cancellation of elections tentatively scheduled for July 8. In September the government agreed to the opposition's demand for a reconstituted CENI--changing the president and the composition of the body. On December 12, the president of CENI outlined a timetable to hold elections on May 12, 2013, but the date was not declared official by year's end.

Political Parties: There were no official government restrictions on political party formation beyond registration requirements. According to the Ministry of Territorial Affairs and Decentralization, there were an estimated 160 registered political parties.

Opposition access to state media was limited or nonexistent throughout the year, although private media was critical of the government. Concerns about preparations for legislative elections led to the opposition call for several protests throughout the year, which often resulted in interethnic violence or violent clashes between protesters and security forces (see section 2.b.).

Participation of Women and Minorities: There were 36 women on the 155-seat CNT, including the CNT president. Five of 38 cabinet ministers were women. Minority ethnic groups were represented on the CENI, the CNT, and in the cabinet. The electoral code requires 30 percent of candidates for any party competing for seats in the national assembly to be women.

#### **Section 4. Corruption and Lack of Transparency in Government**

The National Agency to Fight Against Corruption (ANLC), created in 2004, is the only state agency focused solely on fighting corruption. It is part of the Ministry of Economy and Finance within the Presidency. It is not independent and, like

most government agencies or commissions, claimed to be underfunded. The country also has a Bureau of Complaint Reception to field anonymous tips forwarded to the ANLC. Investigations and cases must then be prosecuted through criminal courts.

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption was a severe problem. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts, especially in the mining sector, generally lacked transparency.

A key example of corruption and impunity involved the killing of the director of the treasury and anticorruption activist, Aissatou Boiro, who was shot and killed in her car in November. Authorities called it a botched robbery attempt; however, reports alleged she was assassinated due to her anticorruption efforts. Two persons were arrested at the end of December and charged with the killing. Some government officials said they were afraid to go out after dark since she was killed.

In May Boiro had been involved in bringing to light and breaking up a corrupt ring at the central bank. Nine employees in the ministry of economy, the treasury, and the central bank were fired and arrested after they were accused of trying to withdraw approximately 13.5 billion GNF (\$1.94 million) from the Central Bank using forged documents. The investigation continued at year's end. The suspects remained in detention.

In another example, on June 3, an article in Britain's *Sunday Times* alleged that Minister of Mines Mohamed Lamine Fofana and Minister of Finance Kerfalla Yansane signed a secret \$25 million loan agreement with Palladino Capital, allowing Palladino to take ownership of a 30 percent share of the country's official mine holdings in the event of default. Fofana and Yansane disputed the facts of the story but announced on June 21 the imminent repayment of the loan in full. The loan repayment was investigated by the IMF as part of the Highly Indebted Poor Country agreement with the country, and the IMF determined it was settled. Fofana and Yansane remained in their positions.

Security force corruption was endemic. Police and gendarmes ignored legal procedures and extorted money from citizens at roadblocks, in prisons, and in detention centers.

The judicial system was endemically corrupt. Magistrates were civil servants with no assurance of tenure, and judicial authorities routinely required bribes in exchange for favorable rulings. Gendarmes, police, and prison guards offered to release prisoners in exchange for bribes, including prisoners that had already been granted release by the courts.

Public officials were not subject to public disclosure laws. The CNT adopted a law providing free access to government information in 2010; however, free access was not regularly provided in practice.

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

Some domestic and international human rights groups monitored and attempted to disseminate information on human rights abuses. They generally operated without government restriction, but with limited capacity. Some NGOs met with government officials and found officials responsive to their views. NGOs are required to renew their permits with the government every three years.

Unlike in 2011, there were no reports that the government harassed human rights activists during the year. Lawyer Frederic Loua and four other staff members at the local NGO and lawyers' association MDT were arrested in November 2011 in connection with their unsuccessful effort to obtain the release of two suspects who had been in detention for several years without trial. One prisoner, Facely Fofana, who had been in prison since 2005, was released during the year (see section 1.e.). The other, Mamadou Bilo Barry, arrested in 2001, remained in prison, according to the MDT.

Government Human Rights Bodies: The government established its first Ministry of Human Rights and Public Freedoms in October and named Diaby Gassama Kalifa as the first human rights minister. The ministry's purpose is to promote human rights awareness and fight impunity, but at year's end it had no budget or staff. Furthermore, there are two directorates (one in the Justice Ministry, the other in the Interior Ministry) that cover human rights; neither shifted to the Ministry of Human Rights. The constitution requires the government to create an independent Human Rights Commission six months after the national assembly is seated. However, the country still lacked a national assembly. While NGOs called the new ministry an important step, they considered it more an effort to raise awareness until an independent national commission can be established.

The Provisional Commission for National Reconciliation, established in 2011 to promote reconciliation for human rights abuses committed since independence, continued to operate. However, lack of financial support and delayed legal proceedings prevented the commission from achieving significant objectives during the year.

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

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

### **Women**

Rape and Domestic Violence: Rape is a criminal offense, but was rarely prosecuted and occurred frequently. Police records indicated that a police division called the Office for Protection of Women, Children, and Morals (OPROGEM) brought 18 rape cases during the year. Spousal rape is neither punished nor regarded as a criminal offense. Social customs 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. The UN Population Fund (UNFPA) reported that the situation had not changed significantly. Assaults were often perpetrated by a person the victim knew, and many took place at school. The UNFPA and a foreign partner supported implementation of gender-based violence (GBV) projects. The partner developed a GBV training curriculum, trained 53 health service providers to treat victims with medical and/or psychosocial services, and reported it has helped with continuing treatment for 130 victims of the 2009 stadium mass rapes. The UNFPA supported regional hospitals, such as Jean Paul II hospital in Conakry, with GBV services.

Domestic violence against women was common, although estimates of its prevalence were unavailable. Due to fear of stigmatization and reprisal, women rarely reported abuse. The law does not directly address wife beating, although charges can be filed under general assault, which carries sentences of two to five years in prison and fines of 50,000 to 300,000 GNF (seven to 43 dollars). Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished.

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

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children and generally had access to information on how to do so without fear of discrimination, coercion, or violence. In 2010 the maternal mortality ratio was 610 deaths per 100,000 live births. Only 9 percent of women of reproductive age used a modern method of contraception and only 30 percent had their demand for contraception satisfied, according to the UNFPA. Health care for pregnant women was free and included limited access to skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care. A government survey estimated that currently 85 percent of women received prenatal care, and 45 percent had a skilled birth attendant present during child birth, but only 40 percent of births were delivered at a health facility or hospital. Women generally had equal access to diagnoses and treatment for sexually transmitted infections. Nevertheless, cultural norms and taboos reportedly dissuaded individuals from taking advantage of opportunities to learn about reproductive health or seek health services for sexually transmitted infections.

Discrimination: The law generally provides for equal treatment of men and women, although it discriminates against women in inheritance. Traditional law discriminates against women and sometimes took precedence over formal law, particularly in rural areas. According to the Inter-African Committee on Traditional Practices, forced marriage of women and girls was still common.

The Ministry of Social Affairs and Women's and Children's Issues worked to advance legal equality for women, who faced discrimination throughout society, particularly in rural areas, where opportunities were very limited. According to the Organization for Economic Cooperation and Development (OECD), women under traditional law are entitled to hold land only under an agreement basis, which authorizes them to work family-owned land and draw a wage, but not to own it. Women had difficulty obtaining loans, according to the OECD.

Government officials acknowledged that polygyny was common. Divorce laws generally favor men in awarding custody and dividing communal assets. Legal testimony 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.

## **Children**

Birth Registration: Citizenship can be derived by birth within the country, marriage, naturalization, or parental heritage. The government did not register many births in the past, and therefore many children, lacking birth certificates, were denied access to school and health care. The government was in the midst of a five-year plan to register all children under eight years old by 2015. The government stated it registered 65 percent of all births during the year.

Education: Government policy provides for tuition-free, compulsory primary education for six years. Secondary school is not compulsory, leading most children who attended primary school to finish school at age 13. While girls and boys had equal access to all levels of primary and secondary education, social norms and practices resulted in significantly lower girls' attendance rates at the secondary level. Government figures indicated 11 percent of girls obtained secondary education, compared with 21 percent of boys. At the primary level, 56 percent of girls attended primary school, compared with 66 percent of boys. Sexual harassment, demand for girls' labor at home, child marriage, and other factors lowered attendance of female students.

Child Abuse: Child abuse was a problem. OPROGEM reported or discovered 51 cases of child abuse during the year. The numbers for these types of cases tended to be underreported as most domestic violence is either ignored or dealt with at the community level. The NGO TDH reported training 48 police as trainers for other police and gendarmes on how to detect and treat crimes affecting children. OPROGEM also announced plans to create the first national transition center for victims of rape, domestic abuse, and child abuse.

Child Marriage: The legal age for marriage is 21 years for men and 17 years for women; however, tradition permits marriage at 14 years old, and early marriage was a problem. Parents contracted marriages for girls as young as 11 years old in Middle Guinea and the Forest Region. OPROGEM prosecuted one case during the year. According to the UNFPA, 63 percent of women 20 to 24 years old were married before the age of 18.

Harmful Traditional Practices: Female genital mutilation/cutting (FGM/C) is illegal, and the law provides for a penalty of three months in prison and a fine of

approximately 100,000 GNF (\$14). OPROGEM prosecuted one case affecting three girls during the year. FGM/C was practiced widely in all regions and among all religious and ethnic groups, primarily on girls between the ages of four and 17. The most common form of FGM/C is excision, which involves the partial or total removal of the clitoris and the labia minora (Type II according to the World Health Organization classification). Infibulation, the most dangerous form of FGM/C, was rarely performed. The Coordination Unit on Traditional Practices Affecting the Health of Women and Children (CPTAFE) reported high rates of infant and maternal mortality due to FGM/C. According to a 2005 Demographic and Health Survey, 96 percent of women and girls between 15 and 49 had been subjected to the procedure. Government efforts to stop FGM/C did not increase during the year.

The government cooperated with NGOs in their efforts to eradicate FGM/C and educate health workers, state employees, and citizens on the dangers of the practice. There was a trend toward performing FGM/C under more hygienic conditions and by medically trained staff. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure.

Sexual Exploitation of Children: The law prohibits child pornography, and the country has a statutory rape law. Sexual assault of children, including rape, was a serious problem. Girls between the ages of 11 and 15 were most vulnerable and represented more than half of all rape victims. The 2009 Child Code prescribes penalties of five to 10 years of imprisonment for all forms of child trafficking including the commercial sexual exploitation of children. According to the NGO Avert, the minimum age of consensual sex is 15. Some girls under 18 were subjected to commercial sexual exploitation, but the country was not a major destination for sex tourism.

Child Soldiers: Some persons under age 18 remained in the military after being recruited during the Dadis Camara era in 2009. However, there were no reports of additional recruitment of child soldiers during the year, and the TDH began a program to reintegrate 100 child soldiers into society.

Displaced Children: Street children were numerous in urban areas, although there were no official statistics, and they frequently begged in mosques and markets. OPROGEM reported 430 children missing during the year. A two-year study released in June indicated that during that period, 668 children had been displaced internally by child trafficking.

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

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law does not prohibit discrimination against persons with disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. There were no official reports of societal or governmental discrimination against persons with disabilities, but it was believed to be pervasive. The law does not mandate accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector, although some worked in the informal sector in small family businesses. There were no special provisions to assist persons with disabilities in the voting process. Many lived by begging on the streets. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, but it was ineffective. The country has one school for disabled children in the nation's capital. There was no additional government support for disabled children to attend school.

### **National/Racial/Ethnic Minorities**

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

While the law prohibits racial or ethnic discrimination, ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, ethnic segregation of urban neighborhoods, and ethnically divisive rhetoric during political campaigns. There were several instances of ethnically targeted vigilante violence during the year. For example, a conflict between Malinke and Peuhl groups on September 21 in the wake of protests the previous day resulted in the death of one person and injuries to several others.

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

The law penalizes sexual relations between persons of the same sex with a maximum sentence of three years in prison, although there have not been any prosecutions under this law. However, in the restructuring of OPROGEM in August, a unit for investigating morals violations, including homosexuality, was created. Antidiscrimination laws do not apply to lesbian, gay, transgender, or bisexual (LGBT) individuals. There were deep religious and cultural taboos against consensual same-sex sexual conduct. There were no official or NGO reports of discrimination against individuals based on their sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no active LGBT organizations.

### **Other Societal Violence or Discrimination**

Laws protecting HIV-infected persons to prevent stigmatization exist. However, the government relied mainly on donor efforts to combat HIV/AIDS and AIDS-related stigmatization. Government efforts were very limited but included paying salaries for health service providers. Most victims of stigmatization were women, who were frequently abandoned by their families after their husbands died of AIDS. Doctors and health workers routinely disregarded medical confidentiality standards, resulting in widespread distrust of testing. Speculation about albino sacrifice remained, but no cases were reported during the year; albino rights NGOs continued to raise awareness.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Although the law provides for the right of workers to organize and join independent unions, engage in strikes, and bargain collectively, the law also places

restrictions on the free exercise of these rights. The labor code prohibits members of the armed forces from joining unions, requires 25 or more workers to constitute a trade union, and mandates that unions provide 10-day notice before striking--and only on the grounds of “professional claims.” The labor code bans strikes in essential services, which it broadly defines to include hospitals, police, the military, transport, radio and television, and communications.

While the labor code protects union officials from antiunion discrimination, it does not extend that same protection to other workers. The labor code prohibits employers from taking into consideration union membership and activities with regard to decisions about employee hiring, firing, and conduct, although it does not provide appeal procedures or effective, proportionate, and dissuasive sanctions to prevent such actions from occurring. The law does not provide for reinstatement of workers fired for union activity.

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

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

A dispute over the results of a September 2011 election within the country’s National Confederation of Guinean Workers (CNTG) remained unresolved. In 2011 the incumbent, who won CNTG’s presidency, alleged that the government interfered with the union election by providing the contender with financial support. On December 16, a lower court annulled his CNTG presidency due to supposed election irregularities. At year’s end the case was pending with the Supreme Court. The candidate who won the election in 2011 remained the de facto leader, and the government worked with him to negotiate contracts, even though the government had opposed him in 2011.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits some types of forced labor, but it does not prohibit debt bondage, making it particularly difficult to prosecute. It provides for penalties of five to 10 years’ imprisonment for depriving third parties of their liberty. The government did not effectively enforce this law or obtain convictions for forced labor under the law. Criminal sentences calling for forced labor are illegal;

however, prisoners could be obligated to participate in prison chores such as cleaning.

The government claimed that it arrested and charged one trafficker and freed one victim of child trafficking during the year. Some older cases remained pending in the courts. However, the president of the National Committee for the Fight Against Trafficking in Persons, the organization in charge of the enforcement of trafficking laws, died in July, and the group subsequently did not hold its quarterly interagency coordination meetings.

Reports indicated that forced labor was most common in the agricultural sector. Forced child labor, which represents the majority of victims, occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between the ages of five and 16 years old worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. They operated in extreme conditions, lacked protective gear, did not have access to water or electricity, and faced a constant threat of disease and sickness. Many children did not attend school and could not contact their parents. The government reported 668 victims of child trafficking discovered during a two-year period ending in June. The government assisted in trying to identify their families and return the children (see also section 7.c.).

Migrant laborers do not represent a significant proportion of forced labor victims.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all forms of child labor and sets forth penalties of three to 10 years' imprisonment, and confiscation of resulting profits, for violations. The minimum age for employment is 16, although children may begin to work at age 12 as apprentices for light work in such sectors as domestic service and agriculture, and at 14 years old for other work. Workers and apprentices under the age of 18 are not permitted to work at night, more than 10 consecutive hours, more than 12 consecutive days, or on Sundays. The Ministry of Labor maintained a list of occupations in which women and youth under the age of 18 cannot be employed, but enforcement was limited to large firms in the modern sector of the economy. The penal code increases penalties for forced labor if minors are involved, but

penalties did not meet international standards. Although the child code ensures that the country's laws respect treaty obligations, and is regarded as law by the justice system, there remained ambiguity about the code's validity because the government has not passed a required implementation text.

The Ministry of Labor is responsible for enforcing child labor laws and conducted occasional inspections during the reporting period. The Bureau of Gender Protection, Children, and Customs is responsible for investigating child trafficking and child labor violations. After arrests, police transfer all information to the Ministry of Justice. In August the police set up a new unit specifically focused on child trafficking and child labor. The unit had 30 members and brought five cases to trial.

Child labor by boys occurred most frequently in the informal sectors of subsistence farming, small-scale commerce, and mining. Smaller numbers of girls, mostly migrants from neighboring countries, were subjected to domestic servitude.

According to a government study conducted with the International Labor Organization (ILO) and issued in November 2011, 43 percent of all children between five to 17 years old in the country worked, including 33 percent of children age five to 11; 55.9 percent between 12 to 15; and 61.3 percent between 16 to 17. Of those 93.3 percent worked in what the ILO defines as hazardous conditions--meaning 40.1 percent of all children in the country worked in hazardous conditions. This included more than one million children in fishing and agriculture; 30,619 in manufacturing; 46,072 in mining; 15,169 in construction; 204,818 in commerce and restaurants; 6,816 in transport; and 92,873 in other hazardous or dangerous work.

Many parents sent their children to live with relatives or Quranic teachers while they attended school. Host families often had the children perform domestic or agricultural labor and sometimes sent the children to sell water or shine shoes on the streets.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

Although the labor code allows the government to set a minimum hourly wage enforced by the Ministry of Labor, the government has neither exercised this provision nor promoted a standard wage.

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

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

The Ministry of Labor is responsible for enforcing labor standards, and its 160 inspectors were empowered to suspend work immediately in situations deemed hazardous to workers' health. Nevertheless, enforcement efforts were sporadic. According to the ILO, inspectors received inadequate training and had limited resources. Retired labor inspectors were generally not replaced with new hires. Inspectors lacked computers and transportation to carry out their duties. Penalties for violation of the labor law were not sufficient to deter violations.

Authorities rarely monitored work practices or enforced the workweek standards and the overtime rules. Teachers' wages were extremely low, and teachers sometimes went six months or more without pay. Salary arrears were not paid, and some teachers lived in abject poverty.

Violation of wage, overtime, and occupational health and safety standards were common across sectors. Forced child labor, which constituted the majority of forced labor victims, occurred primarily in the gold, diamond, cashew, cocoa, and coffee sectors. There were, for example, reports of unsafe working conditions in the artisanal (small-scale) gold mining communities in the northern section of the country, where inspectors found occupational health and environmental hazards. Despite legal protection against working in unsafe conditions, many workers feared retaliation and did not exercise this right to refuse to work under unsafe

conditions. Data was not available on workplace fatalities and accidents during the year.