

GUINEA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Guinea is a constitutional democratic republic in the early stages of democracy after decades of authoritarian rule. In 2015 President Alpha Conde won re-election with 58 percent of the vote. The election was generally regarded as free and fair. Legislative elections, last held in 2013 and scheduled for the end of 2018, have been delayed indefinitely. Municipal elections, originally scheduled for 2010, took place in February 2018. The elections were generally considered free and fair, despite allegations of fraud. Protests erupted throughout the country following the release of the results, and opposition parties alleged the ruling party, the Guinean People's Assembly, conspired to commit voter fraud.

The Ministry of Defense oversees the gendarmerie, and the Ministry of Security oversees the National Police. The gendarmerie and National Police share responsibility for internal security, but only the gendarmerie can arrest police or military officials. The army is responsible for external security but also has some domestic security responsibilities. Civilian authorities maintained effective control over the security forces.

Noteworthy human rights issues included: alleged torture by government security forces to extract confessions; arbitrary arrest and excessive use of force by government security personnel; significant problems with the independence of the judiciary; restrictions on free expression and the press; substantial interference with the rights of peaceful assembly and freedom of association; endemic corruption at all levels of government; frequent rape and violence against women and girls, which rarely led to prosecution; criminalization of same-sex sexual conduct; and forced labor, including forced child labor.

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

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

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

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

In October and November, 20 persons died as a result of gunshot wounds during a series of antigovernment protests. Members of opposition political parties and civil society organizations alleged the victims died as a result of excessive force by law enforcement. The government authorized investigations into these deaths, although they had not begun by November's end.

In May security forces were accused of excessive force during a student demonstration in Labe, Middle Guinea. The incident resulted in the death of 21-year-old student Amadou Boukariou Balde. Authorities announced the start of an investigation, but no information had been released to the public.

Police Captain Kaly Diallo, whose trial started in 2017, was prosecuted and convicted in February for the murder of Thierno Hamidou Diallo during an opposition protest in 2016. Kaly Diallo was sentenced to 10 years' imprisonment and ordered to pay 50 million Guinean francs, GNF (\$5,434) in damages to the plaintiff who was represented by the main political opposition coalition, the Republican Opposition. Captain Diallo denied the charges against him but acknowledged police used lethal weapons during some law enforcement operations, contradicting official accounts.

Impunity persisted for abuses perpetrated by state actors in past years, including the 2009 massacre by state security forces of the previous military regime. At least 150 opposition demonstrators were killed, and more than 100 women and girls were raped. The judiciary confirmed indictments against 13 individuals, but the government had not announced any timeline to commence trials against the individuals. Two of the alleged ringleaders of the massacre, Colonel Claude Pivi and Colonel Moussa Tiegboro Camara, remained in high-level government posts. General Mathurin Bangoura, a person of interest whose indictment was dismissed following a judicial review, remained governor of Conakry.

The steering committee established in June 2018 to organize the trial of the accused in the 2009 massacre continued its work. The body convened fewer than five times during the year.

On June 25, the Supreme Court dismissed an appeal to requalify charges for the massacre as crimes against humanity, ruling that the charges in the indictments would remain as ordinary crimes. In addition the Supreme Court dismissed the

charges against two individuals, General Mathurin Bangoura, the governor of Conakry, and Commandant Bienvenu Lamah, commander of the Kaleah military camp in the prefecture of Forecariah. There were no remaining legal impediments to a trial, but the government had not announced a date for the trial.

b. Disappearance

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

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

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading punishment, human rights observers alleged that government officials continued to employ such practices with impunity. The 2016 criminal code harmonizes national law with international conventions on torture.

In February the head of an anticrime unit, Commandant Salifou Walto Soumaoro was sentenced to six years' imprisonment and a fine of GNF 10 million (\$1,087) for an act of torture on a criminal suspect in 2016. Several officers from police and gendarmerie were arrested and temporarily suspended from their position. The victim's lawyer denounced the fact that only one person was prosecuted.

Abuse of inmates in government detention centers continued. Security officials designated as "judicial police officers" abused detainees to coerce confessions. Human rights activists noted the most egregious abuses occurred during arrest or at detention centers. Human rights associations stated that complainants often presented evidence of abuse and prison wardens did not investigate these complaints. These nongovernmental organizations (NGOs) also alleged that guards abused detainees, including children, and coerced some women into exchanging sex for better treatment.

In 2012 two civil society NGOs submitted a complaint on behalf of 16 individuals for arbitrary detention and torture committed in 2010 at the Gendarmerie of Hamdallaye. The trial, which started in April 2018, continued. The accused included, among others, a former chief of staff of the army and a former governor of Conakry. All were charged with arresting and torturing 17 persons in 2010.

During its annual plenary meeting in July, the Independent National Institution for Human Rights (INIDH) expressed concern about continuing allegations of torture and called on the security forces to put an end to torture in all forms.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding remained a problem. Government-funded rehabilitation programs were underfunded and ineffective, leading some NGOs to try filling the void.

Authorities held minors in separate sections at prisons and detention facilities, where they slept on iron bunk beds with no mattresses or on the floor because it was too hot on the upper bunks below the building's metal roof. Prison officials did not separate pretrial detainees from convicted prisoners. There were reports the government had trouble tracking the location of pretrial detainees in the justice system.

A lack of health-care personnel and medicine in prisons, combined with malnutrition and dehydration, sometimes made infection or illness life threatening; cases of beriberi were recorded, and the deaths of prisoners were seldom investigated. Only two of the 31 detention centers had a full-time doctor and medical staff. In those centers it was reported that the medical professionals lacked adequate medicine and resources.

Reports of overcrowding in medical wards at detention centers were common, including at the Conakry Central Prison (CCP). Prisoners must rely on family members, charities, or NGOs to bring medication, but visitors often had to pay bribes to provide the medicine to prisoners. In May at a detention center in Labe, Middle Guinea, three prisoners died of diarrhea. In Kindia, an interruption in antiretroviral care supplies caused chronic diseases among prisoners, leading to one death in August.

Mismanagement, neglect, and lack of resources were prevalent. Toilets reportedly did not function, and prisoners often 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 and little access to electricity for air conditioning or other cooling techniques.

NGOs as well as INIDH reported endemic malnutrition throughout the prison system. Authorities provided food at the CCP, but most prison directors relied on charities and NGOs to provide food for inmates. The CCP claimed it began providing two meals a day to all inmates in 2011; however, NGOs reported prisoners in Conakry and elsewhere received only one meal per day and that many relied on food from their families or other outside sources. Guards often demanded bribes for delivering food to prisoners, which they then frequently confiscated.

In May 2018 the Ministries of Health and Justice agreed to create a national prison health strategy as part of the national public-health system. Poor access to medical care for inmates, however, remained an issue. Additionally, prisons had few medical supplies, which impacted the ability of the government to provide care in certain instances.

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

Although the Ministry of Justice administered civilian prisons, prisoners allegedly controlled cell assignments and provided better conditions to prisoners who were able to pay at some detention centers. In addition prison administrators at detention centers reported receiving directives from their superiors that directly conflicted with orders from the Ministry of Justice. Rumors persisted that guards ignored court orders to free prisoners until bribes were paid.

Administration: Prison authorities did not investigate credible allegations of abuse or inhuman prison conditions. Prisoners and detainees have the right to submit complaints but seldom did for fear of possible reprisals from prison guards. Prisoners must use a lawyer to file a complaint, but lawyers were scarce and expensive. The local NGO Equal Rights for All (MDT) stated religious practice was restricted at prisons other than the CCP.

Independent Monitoring: The government permitted prison visits by local humanitarian and religious organizations that offered medical care and food to those in need. Local NGOs, such as MDT and the Association for the Support of Refugees, Displaced Persons, and Detainees received regular and unimpeded access to the CCP. The International Committee of the Red Cross conducted a series of meetings to advocate for continued improvement of prison conditions.

INIDH released two monitoring reports, in September 2018 and in March, which highlighted overcrowding in prisons and malnutrition of detainees.

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

According to the United Nations, a 2017 allegation of sexual exploitation and abuse against a Guinean police peacekeeper was pending. The Ministry of Security reported the individual had been disciplined. The case alleges sexual exploitation (transactional sex) involving a police officer deployed in the UN Organization Stabilization Mission in the Democratic Republic of the Congo. UN payment was suspended; investigations by the United Nations and the government of Guinea were pending.

Improvements: The rehabilitation of nine prisons through an EU-funded program, launched in 2017, was completed during the year.

d. Arbitrary Arrest or Detention

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

The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but few detainees chose this option due to the difficulties they might face and fear of retribution.

Arrest Procedures and Treatment of Detainees

Although the law requires arrest warrants, police did not always follow this protocol. The law also provides that detainees be charged within 48 hours, renewable once if authorized by a judge. Many detainees were held for longer periods before being charged. Authorities held most prisoners in the three main prisons indefinitely and without trial. In cases involving national security, the law allows the length of detention to be increased to 96 hours, renewable once.

The law precludes the arrest of persons in their homes between 9 p.m. and 6 a.m., but arrests between those times 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 and did not provide indigent defendants with an attorney at state expense.

Release on bail is at the discretion of the magistrate under whose jurisdiction the case falls. The law allows detainees prompt access to family members, but access was sometimes denied or restricted until families paid the guards at detention facilities (see section 1.c.).

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

In May a collective of lawyers denounced the arbitrary arrest of businessman Mamadou Alimou Barry, who was held in a police station for more than three weeks. According to his lawyers, Barry was not charged with a crime.

Pretrial Detention: According to an NGO working on prisoners' issues, a 2016 reform of the justice sector decreased the length of pretrial detention by 65 percent. Despite that progress, pretrial detainees constituted 67 percent of the CPP population.

The reform transferred many judicial responsibilities to lower courts, resulting in more cases being heard. In addition, the Ministry of Justice directed the review of pretrial cases, resulting in additional prisoners being released. In September authorities appointed 28 enforcement judges with the aim of reducing prison overcrowding.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial system lacked funding and was plagued by corruption. Budget shortfalls, a shortage of qualified lawyers and magistrates, an outdated and restrictive penal code, nepotism, and ethnic bias limited the judiciary's effectiveness. Often, domestic court orders were not enforced. For example, some prisoners ordered to be freed by courts remained in detention because they failed to pay "exit fees" to guards. On the other hand, politically connected criminals often evaded prosecution.

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

Trial Procedures

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

Authorities must inform defendants of charges. Defendants are entitled to free assistance from an interpreter, if necessary. Authorities must charge or release defendants within 48 hours, but they did not consistently observe this requirement. Defendants generally had adequate time but lacked resources, such as access to a lawyer, to prepare a defense. Most cases never came to trial.

Although the government was responsible for funding legal defense costs in serious criminal cases, it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. Authorities allowed detainees'

attorneys access to their clients, but often on condition that prison guards or gendarmes be present. The law provides that defendants have the right not to be compelled to testify or confess guilt, but torture or other harsh treatment and conditions in detention centers undermined this protection.

Political Prisoners and Detainees

The government arrested or summoned individuals without cause but released them shortly thereafter. Civil society described the actions as “political intimidation.” In October ahead of planned protests, the government arrested eight of the organizers and charged them with disturbing the peace and public order. In April the president of an opposition party organized a sit-in at the National Assembly. Police arrested him and charged him with disturbing public order. The individual was later released. The government permitted access to such persons on a regular basis by the International Committee of the Red Cross.

In 2017 the Supreme Court overturned the 2013 High Court verdict sentencing Fatou Badiar to 15 years and Commander Alpha Oumar Boffa Diallo to life in prison for complicity in the 2011 attack on the president’s residence. Fatou Badiar was freed during the year through a presidential pardon after the Supreme Court overruled a lower court ruling on the case. Two other individuals implicated in the case continued to await their trial while in state custody.

Civil Judicial Procedures and Remedies

The law provides for a judicial procedure in civil matters, including lawsuits seeking damages for human rights violations. The judicial process often lacked independence and impartiality. Bribes and political and social status often influenced decisions. There were few lawsuits seeking damages for human rights violations, in part due to public fear of suing security force members and lack of confidence in the competence and impartiality of the judiciary. Domestic court orders often went unenforced. NGOs that filed cases for civilians in 2012, 2013, and 2014--ranging from complaints of torture to indefinite detention--claimed their cases had yet to be heard. NGOs subsequently began opting to lodge complaints with the Economic Community of West African States Court of Justice.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, but there were multiple reports about government efforts to restrict press freedom.

Press and Media, Including Online Media: Independent and opposition-owned media were active and generally expressed a wide variety of views. Print media had limited reach. Radio remained the most important source of information for the public, and numerous private stations broadcast throughout the country. FM radio call-in shows were popular and allowed citizens to express broad discontent with the government. An increase in online news websites reflected the growing demand for divergent views. Nevertheless, allegations against or criticism of the government or ruling party could result in government reprisals, including suspensions, fines, and arrests. During the year there were seven instances of journalists arrested for what they alleged to be harassment for criticizing the government.

Violence and Harassment: There were reports of physical attacks, harassment, and intimidation of journalists by government officials.

On March 26, journalist Lansana Camara, director of online publication Conakry Live, was arrested following accusations by Foreign Minister Mamadi Toure that Camara had defamed him. The accusations stem from an article by Camara concerning possible embezzlement in the ministry's management of fuel purchases. Camara was released on April 1, after officials at the presidency questioned the arrest and journalists organized a march denouncing it. Camara was put under judicial supervision, limiting his movement to Conakry. As of September 15, he remained under judicial supervision.

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

Some journalists accused government officials of attempting to influence the tone of their reporting.

In November 2018 the Communications High Authority suspended the accreditation of Mouctar Bah, a correspondent for Radio France International and Agence France Presse, until February 2019. Bah received his new press accreditation in May.

Libel/Slander Laws: Libel against the head of state, slander, and false reporting are subject to heavy fines. Officials used these laws to harass opposition leaders and journalists. Six journalists were arrested and charged with defamation during the year. Journalists alleged the defamation lawsuits targeted people critical of the government in an attempt to silence dissent.

National Security: Authorities used a cybersecurity law to punish journalists and executives at media outlets critical of the government or its officials.

Souleymane Diallo, founder and CEO of Lynx Press Group, and Boubacar Alghassimou Diallo, general manager of Lynx FM Radio, were placed under judicial supervision, limiting their movements to Conakry, following comments by a well known commentator on the Lynx FM radio show. Officials cited the cybersecurity law to justify their actions. The judicial supervision was lifted following protests organized by journalists and press associations.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Nevertheless, the government monitored social media platforms and used the cybersecurity law to punish journalists for posting or sharing information regarding different investigations.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, but the government allegedly barred public protests.

Freedom of Peaceful Assembly: The constitution provides for freedom of peaceful assembly, but the government restricted this right. The law bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The government requires a 72-working-hour advance notification for public gatherings. The law permits local authorities to prohibit demonstrations or meetings 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.

The government did not respect the right of freedom peaceful assembly. In July 2018 the government implemented a blanket ban on political protests, but there were conflicting reports whether the ban was being implemented.

In July two human rights organizations challenged the ban on demonstrations at the Supreme Court. In their request to cancel the policy, the lawyers stated the ban violates the constitution, the penal code, and the code on local authorities. The case remained pending with the Supreme Court at year’s end.

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

Freedom of Association: The constitution provides for freedom of association, but authorities threatened to suspend the accreditations of some NGOs. Requirements to obtain official recognition for public, social, cultural, religious, or political associations were not cumbersome, although bureaucratic delays sometimes impeded registration.

The minister of territorial administration threatened to withdraw the accreditation of several organizations, accusing the local NGOs of engaging in political activities in violation of the law.

c. Freedom of Religion

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

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Police and security forces, however, continued to detain persons at roadblocks to extort money, impeding the free movement of travelers and threatening their safety.

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

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

e. Internally Displaced Persons

Between February and May, the government forcibly evicted persons from four neighborhoods in Conakry. The government alleged the inhabitants were squatters on land long planned for the relocation site of multiple ministries. An estimated 2,500 buildings were demolished and 20,000 persons evicted, some of whom allegedly had legal ownership over some plots of land.

f. Protection of Refugees

The country hosted refugees from neighboring countries including Cote d'Ivoire, Liberia, and Sierra Leone. As of June the UN High Commissioner for Refugees (UNHCR) recorded 4,433 persons of concern, 3,627 of them Ivoirian refugees. UNHCR continued to provide protection and limited assistance to refugees of extreme vulnerability in Conakry and Macenta in the Kouankan camp by providing medical care and educational support for refugee children. UNHCR and the government through the National Commission for the Integration and Monitoring of Refugees worked on refugee local integration strategies and carried out

campaigns to encourage voluntary repatriation. UNHCR worked with the Ivoirian government to encourage the Ivoirian refugees to return to Cote d'Ivoire.

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, stateless persons, asylum seekers, and other persons of concern. An October 2018 law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

g. Stateless Persons

There were a few hundred effectively stateless persons, most of whom came from Sierra Leone. These persons did not meet any of the criteria for Guinean citizenship. According to UNHCR, these refugees requested neither repatriation nor local integration.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country last held legislative elections in 2013. The elections were considered generally free and fair, despite allegations of fraud. Legislative elections were supposed to be held at the end of 2018 but have been delayed indefinitely.

In 2015 President Alpha Conde won re-election with 58 percent of the vote. The election was considered generally free and fair, despite allegations of fraud.

Repeatedly delayed local elections took place in February 2018. The elections were considered generally free and fair, despite allegations of fraud.

Political Parties and Political Participation: There were no official restrictions on political party formation beyond registration requirements. Parties may not represent a single region or ethnicity. The government was not responsive to requests for accreditation by new political parties. The Liberal Democratic

Movement (MoDeL) submitted accreditation paperwork during the summer of 2018. As of September, MoDeL had not received a formal response from the government. The process should normally take three months. Without accreditation, the party is unable to participate in elections.

Participation of Women and Minorities: No laws limit participation of women or ethnic minorities in the political process. Observers noted, however, there were cultural constraints on women's political participation, evidenced by the low rate of women occupying influential political or government positions. Four women served in cabinet-level positions, out of a total of 34 such positions. There were 25 women serving as deputies in the 114-member National Assembly. The electoral code requires at least 30 percent of candidates for any party competing for seats in the National Assembly to be women, but the Constitutional Court ruled this law discriminatory. In May the National Assembly adopted the law on parity, which provides that women must constitute 50 percent of candidates on the electoral lists. The law applies to national or local elections, as well as elected positions in public institutions.

Section 4. Corruption and Lack of Transparency in Government

There were multiple allegations of corrupt practices by public officials that went unpunished. Officials allegedly diverted public funds for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency.

Corruption: Security force corruption was endemic. Police and gendarmes ignored legal procedures and extorted money from citizens at roadblocks, in prisons, and in detention centers. The government reduced the number of road checkpoints, but traders, small business operators, drivers, and passengers were still obliged to pay bribes to pass. Observers noted prisoners paying money to guards in exchange for favors.

In April the general manager of the Ministry of Communications' Guinean Advertising Office and the administrative and financial manager were convicted of the embezzlement of nearly 40 billion GNF (\$4.3 million). The court sentenced them to five years in prison. They were also each ordered to reimburse the stolen money, pay a fine of 50 million GNF (\$5,430) each, and pay GNF nine billion (\$980,000) together as damages.

Business leaders asserted regulatory procedures were opaque and facilitated corruption.

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

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

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

Government Human Rights Bodies: The Ministry of Human Rights and Public Freedoms was disbanded with the reorganization of the government following the 2015 presidential election. In 2014 the government established INIDH to promote human rights awareness and fight impunity. The institution was controversial from its inception because it was set up in a different manner than that prescribed by the law. It continued efforts to establish its credibility.

The Provisional Commission for National Reconciliation, established in 2011 to promote reconciliation concerning human rights abuses committed since independence, presented its final report in 2016. The report recommended that the government establish a permanent truth and reconciliation commission. At year's end there had been little progress toward the creation of the commission. According to INIDH, a select technical committee was drafting the law to define the profile, mandate, and qualifications for those who will constitute the commission.

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

Women

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

Authorities may file charges under general assault, which carries sentences of two to five years in prison and fines of 50,000 to 300,000 GNF (\$5.40 to \$33). Violence against a woman that causes an injury is punishable by up to five years in prison and a fine of up to 30,000 GNF (\$3.30). If the injury causes mutilation, amputation, or other loss of body parts, it is punishable by 20 years of imprisonment; if the victim dies, the crime is punishable by life imprisonment. Assault constitutes grounds for divorce under civil law, but police rarely intervened in domestic disputes, and courts rarely punished perpetrators.

Female Genital Mutilation/Cutting (FGM/C): Although the law prohibits FGM/C, the country had an extremely high prevalence rate. According to a 2018 UNICEF survey, 94.5 percent of women and girls ages 15 to 49 had undergone the procedure, which was practiced throughout the country and among all religious and ethnic groups. The rate of FGM/C for girls between the ages of six and 14 dropped 6 percent since 2015.

The law provides for a penalty of up to life in prison or death if the victim dies within 40 days of the procedure. The child code provides for minimum imprisonment of three months to two years and fines from 300,000 to one million GNF (\$33 to \$109) for perpetrators who do not inflict severe injury or death. If the victim is severely injured or dies, the child code specifies imprisonment of five to 20 years and a fine of up to three million GNF (\$326).

The government continued to cooperate with NGOs and youth organizations in their efforts to eradicate FGM/C and educate health workers, state employees, and communities on the dangers of the practice. More than 60 health facilities integrated FGM/C prevention into prenatal, neonatal, and immunization services. A trend for medically trained staff to perform FGM/C under conditions that were more hygienic continued. While the “medicalization” of the practice may have

decreased some of the negative health consequences of the procedure, it did not eliminate all health risks; it also delayed the development of effective and long-term solutions for the abandonment of the practice.

Anti-FGM/C efforts reportedly prevented 100 cases of excision and led to the arrest of 50 persons and conviction of 16. According to UNICEF, 11,190 uncircumcised girls younger than 14 benefited from the protection of NGOs. UNICEF also implemented community dialogues on FGM/C in 40 communes to sensitize local populations to the issue.

Sexual Harassment: The labor code prohibits all forms of workplace harassment, including sexual harassment; the constitution prohibits harassment based on sex, race, ethnicity, political opinions, or other grounds. The Ministry of Labor did not document any case of sexual harassment, despite its frequency. The criminal code penalizes sexual harassment. The sentence ranges from three months to two years of prison and the payment of a fine from GNF 500,000 (\$54) to GNF two million (\$217) depending on the gravity of the harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

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

On May 9, the National Assembly voted in favor of a new civil code that would legalize polygamy. As of October the president had not signed the law into effect. President Alpha Conde vetoed a previous law seeking to legalize polygamy.

Children

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

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

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

Early and Forced Marriage: The legal age for marriage is 17 for girls and 18 for boys, but traditional customs permit marriage as young as age 14. Early marriage remained a problem.

In 2017 according to UNICEF, 19 percent of all girls were married by age 15 and 51 percent were married by age 18. The country has committed to eliminate child, early, and forced marriage by 2030.

Sexual Exploitation of Children: The law prescribes penalties of five to 10 years imprisonment, a fine, or both for all forms of child trafficking, including the commercial sexual exploitation of children. The minimum age of consensual sex is 15. Having sex with someone under 15 is punishable by three to 10 years in prison and a fine of up to two million GNF (\$217). The law also prohibits child pornography. These laws were not regularly enforced, and sexual assault of children, including rape, was a serious problem. Girls between ages 11 and 15 were most vulnerable and represented more than half of all rape victims.

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

Institutionalized Children: The country had numerous registered and unregistered orphanages. According to the Ministry of Social Action and the Promotion of Women and Children, 49 registered orphanages cared for 4,822 children in 2017, the most recent statistics available. While reports of abuse at orphanages

sometimes appeared in the press, reliable statistics were not available. Authorities institutionalized some children after family members died from the Ebola virus.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other state services. The labor code prohibits discrimination in employment against persons with disabilities. The law does not mandate accessibility for persons with disabilities, and buildings and transportation remained inaccessible. The Ministry of Social Action and the Promotion of Women and Children is responsible for protecting the rights of persons with disabilities, but it was ineffective. The government provided no support to place children with disabilities in regular schools. In July 2018 President Conde promulgated a new law for the protection of persons with disabilities. The law is derived from the 2008 UN Convention on the Rights of Persons with Disabilities. The articles describe the rights of persons with disabilities, like access to regular and dedicated schools, and access to public transportation. At year's end the government was implementing provisions of the law.

National/Racial/Ethnic Minorities

The country's population was diverse, with three main linguistic groups and several smaller ones. While the law prohibits racial or ethnic discrimination, allegations of discrimination against members of all major ethnic groups occurred in private-sector hiring. Ethnic segregation of urban neighborhoods and ethnically divisive rhetoric during political campaigns was common.

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

The law criminalizes consensual same-sex sexual activity, which is punishable by three years in prison; however, there were no known prosecutions. The Office for the Protection of Women, Children, and Morals (OPROGEM), a part of the Ministry of Security, includes a unit for investigating morals violations, including same-sex sexual conduct. Antidiscrimination laws do not apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

Deep religious and cultural taboos against consensual same-sex sexual conduct existed. There were no official or NGO reports of discrimination based on sexual orientation or gender identity, although societal stigma likely prevented victims from reporting abuse or harassment. There were no publicly active LGBTI organizations, although some organizations worked to raise awareness concerning HIV/AIDS and prevent human rights violations among vulnerable communities.

In August authorities arrested two persons suspected of being gay in Kankan, Upper Guinea. They remained in detention at year's end.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

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

Mob violence remained an issue nationwide due to impunity and lack of civilian trust in the judicial system. In July a crowd beat a presumed thief to death in a neighborhood in N'Zerekore. The young man reportedly snatched the wallet of an old woman who then shouted for help.

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 adopted in 2016 requires unions to obtain the support of 20 percent of the workers in a company, region, or trade that the union claims to represent in order to strike. The code mandates that unions provide a 10-day notice to the Ministry of Labor before striking, although it allows work slowdowns without notice. Strikes are permitted only for work-related issues; such permission does not extend to government workers, members of the armed forces, or temporary government workers, as these categories do not have the legal right to strike. Despite lacking the right to strike, public-school teachers, port workers, and other government employees have nevertheless gone on strike.

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

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

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

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

According to the International Trade Union Confederation, authorities intensified their crackdown on unions and arbitrarily arrested several union officials while they were conducting union business. Both the general secretary of the Free Union of Teachers and Researchers of Guinea and the deputy general secretary of the General Union of Workers of Guinea were arrested. The general secretary of the port workers' union was taken into custody during a police raid on the union office and later sentenced to 13 days in jail and a 500,000 GNF (\$54) fine.

b. Prohibition of Forced or Compulsory Labor

The law prohibits some types of forced or compulsory labor, and the 2016 criminal code prohibits debt bondage. Prison labor, however, is legal, including for activities related to political and religious expression. The law provides penalties that are insufficient to deter violations. The government did not effectively enforce this law or obtain any convictions for adult forced labor.

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

Migrant laborers represented a small proportion of forced labor victims.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor in the formal sector and sets forth penalties of imprisonment and confiscation of resulting profits. The law does not protect children in the informal sector. The law does not prohibit the worst forms of child labor, specifically the law allows for minors to work below the minimum age for

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

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

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

Boys frequently worked in the informal sectors of subsistence farming, small-scale commerce, forced begging, street vending, shining shoes, and mining. Smaller numbers of girls, mostly migrants from neighboring countries, were subjected to domestic servitude. Forced child labor occurred primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between ages five and 16 worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. They operated in extreme conditions, lacked protective gear, did not have access to water or electricity, and faced a constant threat of disease.

Many children did not attend school and could not contact their parents, which may indicate forced labor.

According to a 2011 government study conducted with the International Labor Organization (ILO), 43 percent of all children between ages five and 17 worked, including 33 percent of children ages five to 11, 56 percent between ages 12 and 15, and 61 percent between ages 16 and 17. Of working children, 93 percent were employed in what the ILO defines as hazardous conditions--indicating 40 percent of all children in the country worked in hazardous conditions.

Many parents sent their children to live with relatives or Quranic teachers while the children attended school. Host families often required such children to perform domestic or agricultural labor, or to sell water or shine shoes on the streets. Some children were subjected to forced begging. There was documented evidence of child labor in the production of cashews, cocoa, coffee, diamonds, and gold.

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

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

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

e. Acceptable Conditions of Work

The labor code allows the government to set a minimum monthly wage, enforced by the Ministry of Labor. In 2013 the government exercised this provision for the first time, setting the minimum wage for domestic workers at a rate below the

poverty level determined by the World Bank. No minimum wage for other sectors was established.

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

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

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

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

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

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