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U.S. Department of State

Guinea Country Report on Human Rights Practices for 1998

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GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984, when he led the only successful coup d'etat in the country's history, first as head of a military junta, and since 1994 as a civilian President elected in 1993 multiparty elections that the Government controlled from start to finish, and in which it denied the opposition any significant role. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of National Assembly seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the number required to amend the Constitution. Opposition leaders, some international observers, and segments of the citizenry voiced reservations of PUP's considerable victories in both parliamentary and municipal elections. Although the PUP continues to dominate all three branches of government, opposition parties have on occasion persuaded PUP members of Parliament, including the National Assembly leadership, to vote with the opposition on specific legislative matters. Conte won a second 5-year term in a December election that was marred by violence and civil unrest before and after election day, widespread and diverse irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process, but was nevertheless much more transparent and fair than the 1993 election. The Government continued to dominate the electoral process and did not create an independent electoral commission as initially demanded by both opposition parties and ruling party dissidents; instead, it struck a compromise with the opposition and formed a High Council for Electoral Affairs, composed of representatives from many parties, but with authority limited to local vote counting and the transmission of results. A disproportionate number of public sector positions, including senior military and cabinet posts, are held by members of the President's ethnic group, the Soussou. The judiciary is subject to executive influence, particularly in politically sensitive cases.

The gendarmerie and the national police share responsibility for internal security and sometimes play an oppressive role in the daily lives of citizens. Members of the elite presidential guard are accountable to almost no one except the President. Members of the security forces frequently committed human rights abuses.

About 85 percent of the country's 7.1 million people engage in subsistence agriculture. Annual recorded per capita gross domestic product was about \$540 in 1997. More than 80 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Other exports include coffee and fruit. There has been modest economic growth in recent years, due in part to substantial assistance from international financial institutions. However, growth continued to be hindered by widespread corruption and limited although increasing transparency in government; in particular, corruption at the port and customs offices hampers effective collection of non-mining receipts.

The Government continued to circumscribe human rights and its overall human rights record generally was poor. The Government's tight and sometimes partisan control of the 1998 electoral process,

its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, call into serious doubt the ability of citizens to change the government. Major human rights abuses include: Extrajudicial killings; disappearances; use of torture by police and military personnel; police abuse of prisoners and detainees; occasional instances of vigilante justice by unidentified uniformed personnel; inhuman prison conditions and frequent deaths due to these conditions and lack of medical care; instances of arbitrary arrest and detention; governmental failure to ensure access by attorneys to clients in prison; the executive branch's influence over the judicial system and the electoral process; infringement on citizens' privacy; and restrictions on freedom of speech and the press. The private press criticized the Government, but met with a broad range of restrictions, including the arrest of journalists. The Government continued to own and to operate as a monopoly the broadcast media including radio, the most important means of medium of mass communication. Other major human rights abuses included: Restrictions on freedom of assembly; societal discrimination and violence against women; and prostitution and genital mutilation of young girls; ethnic discrimination and interethnic violence; child labor; and vigilante actions by victims or others.

During the year, the Ministry of Justice, the National Assembly and local nongovernmental organizations (NGO's) continued their attempts to educate the citizenry and officials about the judicial process and human rights. The Ministry of National Defense sponsored a series of seminars to teach the armed forces and gendarmes about human rights. Since 1997 the International Committee of the Red Cross has trained Ministry of Security officials and customs officers in humanitarian law.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Security forces killed a number of persons during attempts to control rioting throughout the year. On February 2 and 3, security forces clashed with residents of Conakry's Ratoma section during a 2-day riot caused by the Government's destruction, without compensation, of illegally constructed houses and shops that left 100,000 persons homeless, mostly members of the Puhlar ethnic group (see Section 5). Riots broke out again on March 23 and 24 when the demolition of houses in this commune resumed. Members of the security forces killed 8 civilians and injured 40 others, and 1 gendarme was killed and his body mutilated by protesters during 2 days of disturbances. Fifty-nine people were arrested following the riot, including 3 members of the National Assembly (see Sections 1.c. and 1.d.); their trial took place in June. Twenty-four of them, charged with inciting rebellion, destruction of public property, and withholding knowledge of criminal acts, were sentenced to 1-year prison terms and fined \$150 (195,000 FG). Two religious leaders and the three members of the National Assembly were found guilty of inciting violence. The two religious leaders were sentenced to a 2-year prison term and fined \$800 (1,040,000 FG). One of the legislators was sentenced to 2 months, while the two other deputies were sentenced to 5 months in prison and fined \$800 (1,040,000 FG).

Government officials used excessive force and killed a number of persons both in suppressing opposition party political rallies before the December 14 presidential election and in suppressing anti-government demonstrations, riots and interethnic violence in the wake of the election. On November 28, Jean Traore, subprefect of Banian in the southeastern region, shot and killed one man and woun-

ded two other persons while attempting to disperse a gathering of supporters of the Rally of the Guinean People (RPG), an opposition party. Persons in the crowd then beat and killed Traore. Shortly after the election, members of the security forces reportedly shot and killed two RPG supporters in the largely pro-RPG town of Siguiri.

In late December, a soldier posted at Camp Alpha Yaya near Conakry died of injuries sustained in a beating ordered by his battalion commander, Panival Sama Bangoura, to punish him for having tried to vote outside the camp on December 14. A woman died of injuries inflicted by members of the security forces on December 28, during their suppression of riots that broke out in Labe, the hometown of the soldier who had been beaten and killed, after his body was returned to that town (see Section 3). Bangoura was reprimanded, but was neither relieved of his command nor otherwise punished.

Security forces committed extrajudicial killings during the February 1996 mutiny. Between 30 and 50 persons, mostly civilian victims of stray gunfire, were killed by military forces and mutineers during the 2-day uprising. Numerous suspects were arrested by the Government and charged with murder, threatening state security, destruction of state property, and dereliction of duty. In June 1997, the Government activated a State Security Court to try the remaining 30 to 40 alleged mutiny ringleaders still in prison awaiting trial (see Section 1.e.). Trial proceedings began in March and finished in late August. All defendants were given a chance to present their responses to government charges and were sentenced in October (see Section 1.e.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment remained frequent (see Section 1.c.).

Government authorities continued to block efforts by human rights groups and NGO's to investigate political killings that took place in the 1970's under then-president Sekou Toure and to protect victims' burial plots from urban encroachment. Two NGO's representing the victims of those who died in Camp Boiro, the Conakry prison where hundreds of political prisoners and members of the intelligentsia were detained or killed, held a memorial service in 1997 to call attention to their cause. A memorial to the victims is being erected at the site.

On December 12, at the climax of the election campaign, between four and six persons reportedly were killed during interethnic violence in Conakry between members of President Conte's Soussou ethnic group and members of the Puhlar and (to a lesser extent) Malinke ethnic groups who supported opposition candidates (see Section 3).

Sierra Leonean rebels killed a number of civilians and members of the security forces in cross-border raids in June and November. Guinean forces also claim to have killed 14 of the participants in a November raid.

Many victims of crime fear that they may never receive justice because of judicial corruption and may resort to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, are beaten to death or burned by their victims or others after being soaked with a flammable liquid. At least two such incidents occurred at the main market in Conakry in 1997.

b. Disappearance

Opposition leaders, local NGO's, and the independent press routinely report cases of politically motivated temporary disappearances that usually ended with the eventual release of the prisoners who had been held by security forces.

In the months after the February 1996 mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by armed members of the security forces, who often were masked to hide their identities. Dozens of soldiers were interrogated and transferred to judicial authorities for legal proceedings related to the mutiny. In August 1996, prosecutors released 63 detainees for lack of evidence; the others were sentenced in October (see Section 1.e.). Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the February 1996 mutiny.

Sierra Leonean rebels reportedly abducted a number of civilian hostages during a cross-border raid in the Farannah district in November (see Section 1.d.).

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

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces often use torture and beatings to extract confessions and employ other forms of brutality, including holding prisoners incommunicado without charges and under inhuman conditions. Local human rights organizations and former detainees stated that some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens view the security forces as corrupt, ineffective, and even dangerous.

Defendants in the Ratoma riots' trial reported neglect and torture during their detention at their trial proceedings (see Section 1.a.).

Unidentified uniformed personnel acting as vigilantes used torture, beatings, unsanitary conditions, and restrictions on food in secret prisons to obtain confessions from those suspected of involvement in the 1996 mutiny and any cases considered as "national security" (see Section 1.d.). Soldiers arrested for the 1996 mutiny reported being tortured at the Kassa prison by military personnel. According to the defendants, police temporarily transferred the soldiers from the Koundara prison to Kassa for interrogation and torture (see Section 1.a.).

Units of the armed forces that intervened in the fighting in Guinea-Bissau reportedly beat and harassed civilians.

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Guards often demanded bribes in exchange for letting food through to those incarcerated. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. A former inmate held in the central prison in Conakry reported being housed with between 60 and 80 prisoners in 1 cell, with 1 toilet and no beds. Prisoners reported threats, beatings,

and harassment by guards. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards.

The Organisation Guineenne De Defense Des Droits De L'homme Et Du Citoyen (OGDH) determined that prisoners in at least one major prison, located in N'Zerekore, suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison is a converted grain warehouse built in 1932 for 70 prisoners, but it currently houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner report that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in northern Guinea. Although the Minister of Justice criticized inhuman prison conditions during televised visits to prison facilities in 1996, no concrete action has yet been taken to improve conditions. The Government permits prison visits by local humanitarian and religious organizations, which offer medical care and food for those in severe need. A former prisoner reported that without this assistance those who do not have families or friends would starve to death.

The International Committee of the Red Cross (ICRC) has sought but not obtained access to prisoners. However, as of year's end the ICRC was negotiating with the Government for satisfactory access to prisoners.

In 1997 there were reports of sexual assaults by soldiers on refugees, and some soldiers demanded sex in exchange for entry into the country (see Section 2.d. and Section 5).

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest remains a persistent threat despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police are ineffective, and security forces rarely follow the Penal Code.

The Penal Code requires that the Government issue a warrant before an arrest can be made and charge detainees before a magistrate within 72 hours. However, many detainees are incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Release on bail is at the discretion of the magistrate who has jurisdiction. The Constitution proscribes incommunicado detention. The law provides for access by attorneys to their clients, but authorities frequently do not respect this provision.

Security forces arrested 59 persons following the Ratoma riots in March (see Section 1.c.). The arrests occurred days after the riots and some distance from the site of the riot.

On April 3, police arrested three National Assembly members, including Momary Camara and Mamary Famory Conde from the opposition party, Rally of the Guinean People (RPG), in Beyla after disbanding their political meeting. Police arrested them for holding an unauthorized meeting, then released them a few weeks later without any legal proceedings (see Section 2.b.).

A spokesperson of the opposition RPG party claimed in an international radio interview that on November 15, at the start of the presidential campaign, the prefects of Mandiana, Kerouane, Macenta, and Nzerekore had arrested RPG supporters in those prefectures, and that some of those arrested were still in detention as of November 20. In another interview during the same radio broadcast, an Interior Ministry official stated that these allegations were false.

On December 12, while suppressing interethnic violence in Conakry (see Section 1.a.), members of the security forces arrested and detained Marcel Cros, a leader of the minority PDA party and close advisor of Alpha Conde, leader of the RPG opposition party. Cros remained in detention at year's end.

On December 14, election day, security forces reportedly arrested 30 RPG poll watchers in Boffa and 80 poll watchers of the Union for Progress and Renewal (UPR) opposition party in Gaoual and Koundara prefectures. The opposition poll watchers, some of whom were accused of being mercenaries by the security force members who arrested them, were released the day after the election.

On December 15, 1 day after the presidential election but 2 days before the Government announced the results, members of the security forces arrested Alpha Conde, the presidential candidate of the RPG opposition party, at the town of Lola on the Liberian border; the Government had closed the border there since December 9 as an election security measure. Conde was arrested for trying to leave the country illegally. He had entered the country in early December, after an 18-month absence, specifically in order to compete in the election. The Government detained Conde incommunicado until December 30, when it charged him with trying to leave the country illegally, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government. Conde remained in detention at year's end.

The Government also briefly confined to their houses, during the tabulation of the election results, the other major opposition party presidential candidate Bah Mamadou of the Union for Progress and Renewal (UPR), and a minor-party presidential candidate, Jean-Marie Dore.

On December 28, members of the security forces arrested and detained about 20 persons during their suppression of rioting that occurred in the town of Labe following the return of the body of a soldier from the town who had died of injuries suffered during a beating ordered by his commander to punish him for trying to vote outside the military camp where he was posted (see Sections 1.a. and 3).

Bar Association attorneys, the independent press, and government sources describe a parallel system of justice run by unidentified uniformed personnel who conduct midnight arrests, detain suspects, and use torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.).

A member of a political opposition party, a soldier, a local human rights organization, and former prisoners all reported that the Government imprisons for political reasons persons considered a threat to state security at Kassa prison, allegedly located in a former French colonial structure on an island off the coast of Conakry. The Government denies the existence of the Kassa prison and states that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons. Foreign diplomats recently visited the military installation on Kassa island, where the

armed forces plan to conduct joint training with elements of foreign armed forces; saw nothing that resembled a prison or detention center.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities and the executive branch in politically sensitive cases. Magistrates are civil servants with no assurance of tenure. Due to corruption and nepotism in the judiciary, relatives of influential members of the Government often are, in effect, above the law. In 1996 the Cabinet stated that it would pursue those who violate the law but avoid punishment due to judicial corruption, including the autonomous Presidential Guard; however, no action has been taken. Judges often do not act independently, and their verdicts are subject to outside interference. Influential persons often intervene on behalf of their relatives to prevent a negative judgment from being carried out.

The Judiciary includes courts of first instance, two Courts of Appeal, and the Supreme Court, the court of final appeal. Since 1988 civilian courts have rendered all judgments involving civilians under the Penal Code. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but as of year's end, the Council had not prosecuted any cases.

In April three National Assembly members of the opposition UNR party, including party leader Bah Mamadou, were tried, convicted and sentenced to several months in prison for allegedly inciting the Ratoma riots (see Sections 1.a. and 5). Many observers noted a lack of compelling evidence to support the charges.

In 1997 Minister of Justice Maurice Zogbelemou Togba activated a special state security court to try alleged participants in the February 1996 military mutiny. Togba defended the Special Court's legality, citing statutes predating the 1992 Constitution. Members of political opposition parties and the independent press maintained that the Court is unconstitutional, arguing that the Fundamental Law of 1992 superseded related statutes. They also maintained that because the State presents evidence as well as makes final judgment, the Court infringes on the prisoners' due process rights. In October the special security court concluded its trials of the alleged mutineers. Of the 96 persons over whom the court exercised jurisdiction, 4 were never charged, 13 were released because the time they already had served in detention exceeded their sentences, 2 were released because of illness or immunity, 34 were acquitted, and 43 were sentenced to prison terms ranging from 3 to 20 years. The 20-year sentences were given to members of the armed forces who had fled the country and who were tried in absentia.

The judicial system is plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it

rarely disburses these funds. The attorney for the defense frequently receives no payment. The Government provided counsel for dozens of soldiers charged in connection with the February 1996 mutiny and the quasi-independent Bar Association started a permanent legal defense fund.

Defense lawyers for the soldiers incarcerated in connection with the 1996 mutiny complained that they had difficulty obtaining permission to meet with their clients, particularly after President Conte activated the Security Court in June 1997. They also reported that prison guards eavesdropped on their conversations and denied family visits to the detainees and that the Government reduced their clients' salaries by as much as 60 percent to pay for prison meals.

Many citizens are wary of judicial corruption and prefer instead to rely on traditional systems of justice at the village or urban neighborhood level. Litigants present 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 is vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminates against women in that evidence given by women carries less weight (see Section 5).

Vigilante action by victims or others sometimes resulted in the beating to death of suspected criminals (see Section 1.a.).

At year's end, the Government held an unknown number of political prisoners. Such prisoners are individuals incarcerated for allegedly politically motivated acts, such as protests, meetings, and campaigns; but arrested and convicted under criminal laws such as those applying to creating disorder, inciting violence, and corruption. Some of these individuals consequently received disproportionately harsh punishment due to their political affiliation. Members of political opposition parties and a local human rights organization state that dozens of persons are being detained or have disappeared for political reasons (see Sections 1.c. and 1.d.).

The Government denies holding any political prisoners.

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

The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police frequently ignore these procedures. Police and paramilitary police often ignore legal procedures in the pursuit of criminals. Private citizens frequently are detained at nighttime roadblocks set up by police and the military for purposes of security and extortion (see Section 2.d.).

It is widely believed that security officials monitor mail and telephone calls. Local businesses, including foreign companies, often complain of intimidation and harassment by public officials and authorities.

In February and March, the Government forcibly demolished, without compensation, a large number of illegally constructed dwellings in the Ratoma neighborhood of Conakry, leaving about 100,000

persons homeless. Security forces were used to overcome the residents' resistance to the demolitions (see Section 1.a).

Sierra Leonian rebels burned homes, stole livestock and other goods, and took civilian hostages, during cross-border raids in June and November (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government employs a broad range of restrictions on these rights. The Government prohibits what it considers seditious talk or chants in public, has established defamation and slander as criminal offenses, and prohibits communications that personally insult the President, or incite violence, discrimination, or hatred, or that disturb the public peace. Opposition members of the National Assembly arrested in connection with the Ratoma riots were detained and convicted under these laws.

The Government publishes an official newspaper, *Horoya*, and operates the official television and radio (ORTG) stations. Reporters for the official press, who are government employees, practice self-censorship in order to protect their jobs. Several younger broadcast journalists reported critically about the Government and posed critical questions at official press conferences.

While the only daily newspaper (*Horoya*) is owned and operated by the State, there is a vocal private press that is critical of the President and the Government. For example, the weekly satirical newspaper *Le Lynx* publishes front-page cartoons lampooning the President and senior government officials. Five private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *L'Independant*, and *L'Independant Plus*) publish weekly in Conakry, and up to 10 other publications appear sporadically, although hampered by technical and financial difficulties. One newspaper, *L'Espoir*, is affiliated with the governing political party (PUP), and several other newspapers are affiliated with opposition parties. Other newspapers offer news and criticism of both the Government and the opposition.

In 1997 President Conte replaced Minister of Information and Culture Michel Kamano. Kamano, a senior ranking cabinet minister, had been a vocal proponent of establishing independent radio.

The Government occasionally detains journalists. Police arrested editor in chief Louis Celestin, and publisher Ousmane Camara, of the independent weekly newspaper *L'Oeil* on August 1, 1997 after the Minister of Justice filed a complaint accusing the two men of libel and publishing false information. The newspaper had printed an article that criticized Justice Minister Togba and his attempts to stifle the country's independent press. The journalists were released on August 11, 1997, with no formal charges filed. They were detained again on August 25, 1997, after the newspaper printed a follow-up story again criticizing the Justice Minister but subsequently were released. In December 1997, police arrested and deported Celestin to Cote d'Ivoire on charges of incitement to violence and riot after he published an article on the conference of the coalition of opposition parties (CODEM) with the headline, "The Final Assault Soon." Authorities accused Celestin, an Ivorian national, of not having a work permit.

Security forces also expelled Sierra Leonean journalist Foday Fofana in January after several months of detention on charges of spying and filing false reports. Fofana was working as a stringer for the British Broadcasting Corporation .

On December 26, 1997, police illegally searched and seized production equipment from two private newspapers, Le Lynx and L'Independent. Police returned the equipment 3 days later. The Minister of Security, Sekou Koureissy Conde, cited reasons of national security for the search and seizure. On January 1, L'Independent published an article on the public's reaction to the search and seizure with the title, "Koureissy, the public is indignant." Following the publication, the Minister of Security issued an arrest warrant for Aboubacar Conde, editor in chief of L'Independent. Police arrested Conde on March 6 and detained him without charges for 72 hours before releasing him.

In March police arrested Saliou Samb, the deputy executive editor in chief of the weekly independent newspaper L'Independent. Authorities later expelled Samb to his native Senegal without explanation.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important means of informing the public. In 1996 the Government temporarily authorized a domestic station to retransmit on FM wavelengths programming broadcast by Africa Number One, a private radio station based in Gabon. The Government promised to issue the station a permanent license but did not do so, and the station is no longer broadcasting. Many citizens listen regularly to foreign-origin short-wave radio, and access to foreign television satellite broadcasts is growing. The Government does not restrict access to or distribution of foreign television programming via satellite or cable, although relatively few citizens can afford these services.

The country has had full Internet access since 1997. At year's end, there were three domestic service providers, two strictly private and one affiliated with SOTELGUI, a private phone company that holds a monopoly on international phone lines. The Government did not restrict Internet access. Storefront operations offering Internet access were common throughout downtown Conakry. However, a lack of reliable phone lines inhibited home Internet access, even for the few who could afford it.

The state-owned media are not impartial; they provide extensive and almost invariably favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. The state-owned broadcast media monopoly did not give opposition candidates equal coverage or allow them equal access during the 1998 presidential election campaign (see Section 3).

Political tracts occasionally circulate in Conakry and other urban areas. Some tracts support the Government, while others specifically criticize senior officials. Foreign publications, some of which criticize the Government, often are available.

The Ministry of National Education and Scientific Research exercises limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers are not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to thwart unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires notification 72 hours prior to public gatherings, otherwise the events are considered illegal.

The Government bans all street marches except funerals. The law allows local authorities to cancel a demonstration or meeting if they believe that it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

In March security forces used tear gas to disperse a meeting in Conakry that CODEM, the opposition party coalition, organized for its female members to coincide with International Women's Day. The Government contended that the meeting was not authorized.

In April police arrested two opposition party members of the National Assembly in Beyla on charges of holding an unauthorized meeting (see Section 1.d.).

Union organizers of a nationwide teacher strike in April 1997 reported being harassed by youths whom they believed had been recruited by government officials (see Section 6.a.).

On November 30, riot police used tear gas to disperse university students demonstrating in Conakry for changes in the educational system and reportedly arrested 25 students.

In November and December, during the presidential election campaign, ruling party supporters and government officials repeatedly attempted to prevent opposition party meetings in the capital and several provincial towns (see Section 1.a.).

During the week following the presidential election, security forces in Conakry repeatedly used force to break up demonstrations protesting the Government's conduct of the election. Some of these demonstrations were already violent before security forces intervened; some were not.

Freedom of association is protected by law, but there are cumbersome requirements to obtain government recognition. Political parties must provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognizes them. There are approximately 46 legally recognized political parties; deputies of 9 different parties are represented in the National Assembly.

There were credible reports of harassment and oppression of the opposition RPG party (see Sections 1.a. and 1.d.).

c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respects these rights in practice. The quasi-governmental National Islamic League represents the country's Muslims, who make up 85 percent of the population. The League states that it supports peaceful coexistence with other religious denominations and actively attempts to facilitate dialog to eliminate ethnic and religious tensions.

Although the Government and the National Islamic League have spoken out against the proliferation of Shi'ite fundamentalist sects, which they alleged were "generating confusion and deviation" within Guinean Islam, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities infringe on these rights in some respects. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The private press and local NGO's reported that travelers often are pressured to pay bribes to allow passage. In 1997 President Conte announced the shutdown of the infamous "Kilometer 36," a manned checkpoint on the only road leading from Conakry to the interior of the country. The checkpoint had been the scene of rampant corruption and harassment. The Government later reestablished the checkpoint, along with new ones, throughout the country following the May 1997 coup in neighboring Sierra Leone. Government officials state that the corruption is being perpetrated by a few rogue soldiers. However, abuse at official checkpoints is systematic.

Although the Government permits foreign travel for its citizens, it retains the authority to limit it for political reasons.

The Government kept its land border with Sierra Leone closed throughout the year for security reasons related to the widespread violence in Sierra Leone since the May 1997 coup d'etat. From December 9 to December 20, the Government closed all land borders by decree as a security measure related to the presidential election. On December 15, authorities arrested opposition presidential candidate and National Assembly member Alpha Conde for trying to leave the country by crossing the closed border into Cote d'Ivoire, near Liberia (see Section 1.d.).

The Government cooperates fully with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with United Nations and Organization of African Unity conventions. According to a 1998 census report, the Government provided asylum to more than 550,000 refugees, primarily from Liberia and Sierra Leone. Refugees account for half or more of the populations of the forest region cities of N'zerekore, Gueckedou, and Macenta. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January and are mostly in the forest region. With the Government's cooperation, the UNHCR implemented an emergency program for 1,800 Guinean migrants who fled Guinea-Bissau following the coup there in June and sought refuge in the northwestern part of the country.

The Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations report that some local authorities have demanded portions of donated fuel and food from delivery convoys. The security forces' closure of a road in the forest region in June and July, in response to a cross-border raid by Sierra Leonean rebels, briefly prevented the UNHCR and NGO's from delivering supplies to refugees near the border.

The Government generally has been hospitable toward refugees. Reports that police and border patrol guards demanded bribes before allowing refugees into the country and that some border officers demanded sex from women who lacked money to pay bribes, have become rare, an improvement over previous recent years.

International NGO's stated that refugees are subject to arbitrary arrests but that the harassment is not targeted specifically at refugees. The UNHCR reports that detainees, often held for having insufficient identification or being suspected rebels, are charged before a magistrate within 72 hours as required by law.

UNHCR officials reported being denied access to refugees that security forces suspected of being rebels. Security forces arrested suspected rebels at the border as they tried to enter Guinea.

There were no reports of the forcible return of persons with a valid claim to refugee status to a country where they feared persecution, although Guinean authorities in some instances turned suspected rebels over to the Government of Sierra Leone.

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

Although the 1990 Constitution provides for a popularly elected President and National Assembly, the ability of citizens effectively to exercise this provision is restricted. The Government's tight and sometimes partisan control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens peacefully to change the Government.

Although the Government legalized opposition parties following widespread prodemocracy protests in 1991, the Government has continued to dominate the electoral process; General Conte has remained President, and his PUP party has retained a majority in the National Assembly. The Government controlled the first multiparty presidential election in 1993 from start to finish, denying the opposition any significant role. During both that election and the first multiparty legislative elections in 1995, observers from the International Commission of Jurists reported seeing no seals on the legislative ballots, tally envelopes left open, and various means of intimidation used at some polling places. The African-American Institute stated that the National Electoral Commission--the supposed "moral guarantor of electoral fairness"--had only a marginal role.

The country's second multiparty presidential election was held on December 14, after a campaign limited by the Constitution to the 30 days up to 2 days before the election. The Government continued to refuse to establish a national election commission independent of the Government, which opposition leaders demanded. In September the Government and the CODEM, an umbrella group of opposition parties formed in 1995, agreed to establish a Superior Council for Electoral Affairs (SCEA) and local vote counting commissions, composed of CODEM as well as government and ruling party representatives, with authority over local vote counting and transmission of local results to Conakry. However, the Government retained exclusive control of all registration and election procedures up to and including the casting of votes, as well as of the national tabulation of election results.

According to the Government's tabulation of results, General Conte was elected to a second 5-year term as President, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the UNR

received 25 percent and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of votes cast, a second election between the two leading candidates in the December 14 election would have been required by the Constitution.

This election was much more transparent and fair than the 1993 presidential election. Observers from diverse organizations affiliated chiefly with developing countries issued a statement that found no fault with the election-day vote-casting process. However, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and did not address the registration, campaigning, and vote-counting processes.

The presidential election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread and diverse irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

There were credible reports that ruling party supporters and government officials repeatedly used force to prevent or disrupt opposition party meetings in Conakry and in several provincial towns during the campaign. In one such incident, a government official shot and killed a man and wounded two other persons in a confrontation at an RPG party meeting; he was then attacked and killed by the crowd (see Sections 1.a. and 2.b.).

A spokesperson for the opposition RPG party claimed that on November 15, at the start of the presidential campaign, the prefects of Mandiana, Kerouane, Macenta, and Nzerekore had arrested RPG supporters in those prefectures and that some of those arrested were still in detention as of November 20 (see Section 1.d.). On December 12, members of the security forces arrested and detained Marcel Cros, a leader of the PDA, a minor opposition party associated with the RPG party (see Section 1.d.).

Violence between PUP and opposition party supporters was frequent and widespread during the election campaign. Serious interethnic violence with political overtones (see Section 5) occurred in Conakry. On December 11, large crowds with differing ethnic and political affiliations threw rocks at each other in the city center. On December 12, the violence intensified and between four and six persons were killed, following a large pro-Conte PUP rally at which foul water was served, and at which it was announced over the public address system that the water had been poisoned with acid. Mobs with different ethnic and political affiliations fought each other with sticks and rocks, and a pro-opposition mob looted a marketplace before being dispersed by the security forces. Sporadic violence persisted on December 13 (see Section 1.a).

Opposition candidates suffered from inferior access both to state election funds and to coverage by the state-monopolized domestic broadcast media, although the Government allotted each candidate an equal amount of television and radio broadcast time each day throughout the campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some pro-opposition districts of Conakry, but an abundance of ballots for President Conte even in pro-PUP districts. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers were often absent from heavily pro-Conte areas, and there were charges suggesting that selective obstruction of opposition pollwatchers was responsible for this. Opposition party officials

reportedly alleged that members of the security forces arrested and detained 80 UNR pollwatchers and 30 RPG pollwatchers on election day (see Section 1.d.), thereby preventing them from watching the polls. The CODEM publicly alleged that the Government disclosed the locations of some polling places only to PUP supporters, and recorded the votes of many persons who had registered but did not appear to vote as having been cast for President Conte. The CODEM reportedly also publicly alleged that in some districts opposition party poll watchers had been prevented from watching the polls and that the contents of some ballot boxes were counted, not at the polling station in the presence of poll watchers from all parties, but in secret at military camps and customs posts to which the ballot boxes were taken by members of the Presidential Guard. The CODEM also alleged irregularities in voter registration, particularly in distribution of voter identification cards.

Members of the armed forces were required to vote on the premises of the military installations to which they were posted and were subject to strong pressures to vote for General Conte. About 200 army soldiers assigned to Camp Alpha Yaya in Conakry tried to vote outside the camp in order to avoid this pressure. As punishment for this action, many of these soldiers were severely beaten by order of their battalion commander, Panival Sama Bangoura; one soldier died of injuries sustained in this beating (see Section 1.a.).

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17. During the 3 days between the election and the Government's announcement of the results, bands of youths set fires and looted in Conakry, PUP and opposition supporters clashed violently in Mamou, and members of the security forces shot and killed two RPG supporters in Sigui-ri (see Section 1.a.). On December 15, members of the security forces arrested RPG presidential candidate Alpha Conde for trying to leave the country by way of the closed land border with Cote d'Ivoire, near Liberia. The Government detained Conde incommunicado until December 30, when it charged him in court with illegally trying to cross the border, resisting arrest, engaging in illegal foreign currency transactions, and training an armed force to overthrow the Government (see Sections 1.d. and 2.d.). From December 17 until December 20, gendarmes posted outside the houses of two other presidential candidates, including UNR candidate Ba Mamadou, confined the candidates to their residences.

On December 28, antigovernment violence occurred in Labe, the hometown of the soldier who had been beaten and killed for trying to vote outside the army camp to which he was posted, after his body was returned to the town. A crowd burned the local office of the ruling PUP party and a vehicle belonging to the state-owned broadcast media monopoly and damaged a house owned by a PUP officer. In suppressing this violence, members of the security forces arrested about 20 persons and killed 1 woman (see Sections 1.a. and 1.d.).

Members of the PUP continued to hold 60 seats in the unicameral National Assembly, one short of the supermajority required to amend the Constitution.

The President continues to hold the power to appoint the governors, prefects and their deputies to administer regions and subregions respectively. Most of these officials are members of the PUP or of parties allied with it. However, reorganization of these offices in August, did reflect a growing sense of accountability to the public by government officials regarding the performance of their official duties. The prefects and governors who retained their jobs or received promotions were those who

had been rated as above average administrators by the Minister of the Interior in an April open letter in the private press. All the prefects and governors who lost their jobs had received an unsatisfactory rating.

However, opposition party officials and the independent press continued to charge that the Government used public funds to build its electoral base within traditional opposition strongholds in anticipation of the 1998 presidential elections. Conte was also criticized by members of his own party for quashing the democratic process within the PUP during leadership elections at a party congress in 1997.

During the April-May 1997 session of the National Assembly, a majority of deputies again rejected the Minister of Territorial Administration's efforts to appoint, rather than elect, neighborhood councils, as he had attempted in 1996. No neighborhood council elections have been scheduled, and, as of the end of the year, whether the presidents of these councils would be filled by appointment or election was still under debate. Local governments generally have limited autonomy. Although they have some financial resources with which to fund local programs, most of their funds are controlled by the central Government. However, local government staff members, such as deputy prefects, are hired and can be fired by local authorities and are not considered central Government employees.

Women are underrepresented in the Government. In 1996 the President reduced the number of women who hold positions in the 23-member Cabinet from 4 members to 2. Women head the low profile ministries of Social Affairs and Youth, Sports, and Civic Education. There are only 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister and no women among senior military ranks. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership include representatives of all major ethnic groups. However, a disproportionate number of senior military officers are Soussou, the President's ethnic group. A somewhat but not grossly disproportionate number of civilian officials at or above the prefect level were also Soussous.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local NGOs primarily interested in human rights issues include: The Guinean Organization for the Defense of Human Rights; the Guinean Human Rights Association; the Children of the Victims of Camp Boiro; S.O.S. Burial Grounds; the Association of Victims of Repression; Humanitarian Assistance for Prisons; Defense of Prisoners' Rights; Women Jurists for Human Rights; the Committee for the Defense of Civic Rights; and the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health. Government officials are generally cooperative and responsive to their views. Various officials, however, have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled Guinea from independence until 1984.

In June the International Committee of the Red Cross (ICRC) conducted a seminar on human rights in conjunction with the Ministry of Security for members of the security forces and civil servants. A human rights office within the Ministry of Defense, International Humanitarian Rights (DIH), has

conducted over 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed, but the Government does not enforce these provisions uniformly.

Women

Violence against women is common, although estimates differ as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law. However, police rarely intervene in domestic disputes.

Although the Government has made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complain of frequent sexual harassment. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. The social stigma attached to rape prevents most victims from reporting it. The Government has not pursued vigorously criminal investigations of alleged sexual crimes.

Refugees from Liberia and Sierra Leone report that some soldiers demand sex in exchange for entry into Guinea. There are also reports of sexual assaults on refugees. No new information was available about the two male refugees who raped a female refugee in Yomou in 1997.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion works to ensure such equality. However, women face discrimination, particularly in rural areas where opportunities are limited by custom, the demands of child-rearing and subsistence farming. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledge that polygyny is commonly practiced, although it is prohibited by law. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than that given by men (see Section 1.e.). The Government has affirmed the principle of equal pay for equal work, but in practice women receive less pay than men in most equally demanding jobs.

Children

The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocates a significant percentage of the budget to primary education. The President appoints a cabinet minister to defend women's and children's rights and a Minister of Youth. The Government provides free, compulsory primary school education for 8 years. Approximately 50.5 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys but only 35.5 percent of eligible girls. The Government spent 25 percent of its national operating budget on education in 1997.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is nearly universal. It is practiced in all regions and among all religious and ethnic groups. FGM is performed on girls and women between the ages of 4 and 70. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice, but there have been no prosecutions for violations of the code. Exact figures on this procedure are difficult to establish due to its private nature. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE) cite a recent decline in the percentage of females subjected to FGM, estimating the figure to be between 65 and 75 percent. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by woman's rights groups about the health risks involved with the practice. However, infibulation, the most dangerous form of FGM, still is performed in the Forest region. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting women's lives. FGM also increases the risk of HIV infection since unsterilized instruments are shared among participants.

The Government has made efforts to educate health workers on the dangers of this procedure and supports the efforts of the CPTAFE, a local NGO dedicated to eradicating FGM and ritual scarring. The CPTAFE reports high rates of infant mortality and maternal mortality due to FGM.

In March 1997, working in collaboration with the World Health Organization, the Government initiated a 20-year strategy to eradicate FGM.

A growing number of men and women oppose the practice. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. Those who perform FGM oppose its eradication since it is quite lucrative for them.

The CPTAFE, in conjunction with the Government, local journalists, and international NGO's, is also promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the Forest region.

Prostitution exists in the informal economic sector and employs girls as young as 14 years of age. The Government does not take action even if prostitution of minors is brought to its attention and does not actively monitor child or adult prostitution.

People With Disabilities

The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled, and few disabled persons work, although some develop opportunities in the informal sector.

National/Racial/Ethnic Minorities

The country's population is ethnically and regionally diverse. No single ethnic group constitutes a majority nationwide. The largest ethnic groups are the Puhlar, also called Peuhl or Fulani (about 40

percent of the population), the Malinke (about 30 percent), and the Soussou (about 20 percent). Each of these groups speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea, the Puhlar in middle Guinea, the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification is strong. Mutual suspicion affects relations across ethnic lines, in and out of government. Widespread societal ethnic discrimination by members of all major ethnic groups is evident in private sector hiring and buying patterns, in urban neighborhoods that tend to be ethnically segregated, and the relative paucity of interethnic marriage even in cities. Senior government levels and the highest military ranks below the President include representatives of all three major ethnic groups, but the proportion of public sector positions occupied by Soussous, particularly at senior levels, is widely perceived as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base is the Puhlar, while the RPG's main base is the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the Forest region have been major sources of political tensions that have sometimes erupted into violence. In June President Conte fired the non-Soussou Secretary-General of Labor and Public Services as well as several non-Soussou directors in his Department, replacing them with members of his ethnic group, the Soussou.

The residents of Conakry's Ratoma neighborhood, where the Government razed 100,000 houses without compensation in February and March, were mostly Puhlar. Both the Ratoma riots in February and March in protest of those demolitions (see Section 1.a.) and the December 11-13 riots in Conakry (see Section 3) were largely incidents of interethnic violence between Soussous and Puhlar, even though the December riots were also political violence between PUP and opposition party supporters. The soldier beaten to death by order of his commander for having tried to vote outside his army post in the presidential election and many participants in the antigovernment violence that occurred in that soldier's hometown of Labe on December 28, were members of the Puhlar ethnic group (see Sections 1.a. and 3).

Other incidents of ethnic violence have occurred in previous years, such as in March 1997, in the Forest region when members of the Malinke and Gerze ethnic groups clashed following an alleged rape of a Gerze woman by a Malinke man. Workers for a humanitarian organization reported that ethnic tension persists between the Malinke and Gerze ethnic groups in the Forest region due to the influx of Malinke into the area.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. Only an estimated 5 percent of the work force is unionized. Most union members are employees of the Government, national utilities (electric, water, and telephone companies), or foreign-controlled companies.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. It requires elected worker representatives for any enterprise employing 25 or more salaried workers.

The National Confederation of Guinean Workers (CNTG) was the sole trade union before the Labor Code was enacted. Although there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is funded indirectly by the State, although dissident members seek to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea (SLECG), the Professional Union Federation for Education (FSPE), and the National Organization for Free Trade Unions of Guinea. Several dissident groups within the CNTG left the Confederation in 1996 citing corruption among its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services" (hospitals, radio and television, army, and police).

A nationwide public-school teachers' strike immobilized the education sector for 2 weeks beginning in April 1997. Members of the SLECG and the FSPE reported harassment by the Government and its supporters, including the arrest of eight teachers, mob attacks on teachers' homes, cutting of phone lines, burning of tires in front of union headquarters by youths armed with rocks and clubs, threatening phone calls, and refusal by police to intervene. Union leaders ended the strike after President Conte promised to reinstate an 8 percent pay raise for all state employees. In August 1997 the teachers received an 8 percent salary increase; the same increase also was given to all other civil servants. Teachers also received the right to claim seniority benefits for any past training or internships.

Unions may freely affiliate with international labor groups. The Government continues to designate the CNTG to represent workers in the International Labor Organization conference.

b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Work rules and work hours established by the employer are developed in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convenes weekly to hear such cases. In the interior, civil courts hear labor cases.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code specifically forbids forced or compulsory labor, and there is no evidence of its practice. The Labor Code specifically forbids forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. However, many craft apprentices are as young as 7 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 12 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by Ministry inspectors is limited to large firms in the modern sector of the economy. A 1997 study by the Ministry of Planning stated that in rural areas, approximately 66 percent of children between the ages of 7 and 14 were employed; the rate jumped to 91 percent in the 15 to 19 age group. In urban areas, approximately 19 percent of children between the ages of 7 and 14 were employed; the rate jumped to 50 percent for children between the ages of 15 and 19. Child labor in factories is not a prevalent problem because of the low level of manufacturing.¹ Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and small-scale mining.

The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code of 1988 provides for the establishment by decree of a minimum hourly wage, but the Government has not done so. Prevailing wages were often inadequate to provide a decent standard of living for a worker and family. There are also provisions in the Code for overtime and night wages, which are fixed percentages of the regular wage. Those with jobs in the private sector find salaries more commensurate with their needs. According to the Labor Code, regular work is not to exceed 10-hour days or 48-hour weeks, and there is to be a period of at least 24 consecutive hours of rest each week, usually Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforce these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. However, enforcement remained more a goal than a reality. Labor inspectors acknowledge that they cannot even cover Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless, many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested conditions.

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