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GUINEA

President Lansana Conte took office as head of state of the Republic of Guinea in 1994, after multiparty elections in which the Government dominated the electoral process. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of Parliament's seats to President Conte's Party of Unity and Progress (PUP). The PUP is one seat short of the majority required to make constitutional amendments. Opposition leaders, some international observers, and segments of the citizenry voiced suspicion 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. 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. The Red Berets—autonomous presidential guards—are accountable to almost no one except the President. Members of all the security forces, which many citizens view as corrupt, ineffective, and even dangerous, frequently commit human rights abuses.

About 85 percent of the country's 7 million people engage in subsistence agriculture. Annual per capita gross domestic product is about \$750. More than 90 percent of export earnings come from mining, particularly bauxite, gold, and diamonds. Additional exports include coffee and fruit. In July 1996, President Conte appointed a new government, including the country's first Prime Minister, which emphasized economic reform.

The Government continued to circumscribe human rights. The Government's tight control over the electoral process and the lack of an independent electoral oversight mechanism, and a prohibition on nongovernmental broadcast media, call into serious doubt the ability of citizens to change the government. Major human rights abuses include: disappearances; police abuse of prisoners and detainees; use of torture by military 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; occasional instances of vigilante justice by unidentified uniformed personnel; infringement on citizens' privacy; restrictions on freedom of speech and the press; restrictions on freedom of assembly; societal discrimination and violence against women; and prostitution and genital mutilation of young girls.

The Government dominated the electoral process. However, the PUP head of the National Assembly and the leaders of the opposition called for the creation of an independent electoral commission. The independent press criticized the Government, but met with a broad range of restrictions, including the arrest of journalists. The Government owns and operates the electronic media, the major medium for reaching the vast majority of the public.

The Ministry of Justice, the National Assembly and local nongovernmental organizations (NGO'S) attempted to educate the citizenry about the judicial process and individual rights. The Ministry of National Defense also sponsored a series of seminars to teach the armed forces and gendarmes about human rights. The International Committee of the Red Cross, trained Ministry of Security officials and customs officers on humanitarian law.

RESPECT FOR HUMAN RIGHTS

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

a. **Political and Other Extrajudicial Killing**

There were no reports of targeted political killings.

Relief organizations reported scattered rebel incursions into refugee camps to steal livestock and other goods. In contrast to previous years, no one was reported killed in the attacks. In June unknown members of the security forces shot and killed a Sierra Leonean refugee and wounded his brother while the boys were fishing near the Kolomba refugee camp. The Government reportedly investigated the incident, but has not released results from the investigation.

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. The Government made numerous arrests of mutinous soldiers following the mutiny. Local NGO's reported that in March and April, the Government released approximately 60 of the soldiers detained in the 1996 mutiny. Several arrests also were made following the mutiny-related killing of Colonel Seny Bangoura, commander of the Alpha Yaya military camp in Conakry, by uniformed soldiers in March 1996. The suspects were charged with voluntary assassination, threatening state security, destruction of state property, and dereliction of duty. The suspects remained incarcerated, awaiting trial with the alleged ringleaders of the February 1996 mutiny. In June 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.). At year's end there had been no trial.

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

No investigation has been conducted into the deaths in 1996 of two detainees, Dian Oury Kante and Mahamed Diallo, who were awaiting trial for murder and robbery in Telimele.

There has been no investigation into the January 1995 deaths of 16 civilian prisoners while in custody. There has been no further action in the case of the policeman arrested for killing a youth at a rally in Conakry in 1995 or in the case of two police charged with killing a civilian in 1996 in Kissidougou. The Guinean Organization for the Defense of Human and Citizen Rights (OGDH) disputes the official tally, claiming that 24 people actually died while in police custody. A former inmate at the prison reported that the dead were buried in a clandestine cemetery in the prison courtyard.

Government authorities also blocked separate efforts by human rights groups and nongovernmental organizations 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 on April 3 to call attention to their cause. A memorial to the victims is being erected at the site.

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

b. Disappearance

Opposition leaders, local NGO's, and the independent press reported cases of temporary disappearances that 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 were often masked to hide their identities. Some of these individuals were subsequently released; others continue to be held awaiting trial. The Guinean Organization for the Defense of Human and Citizen Rights (OGDH) reports that people were taken from their homes in the middle of the night and incarcerated. After interrogations dozens of soldiers were transferred to judicial authorities for legal proceedings related to the mutiny, but in August 1996 prosecutors released 63 detainees for lack of evidence. Baba Sarr, a relative of the mutiny ringleader Major Gbago Zoumanigui, remained missing since his detention following the February mutiny.

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 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 said some prisoners are bound and hung by their feet before being beaten. There were no reported judicial proceedings against officers suspected of committing abuses.

Unidentified uniformed personnel acting as vigilantes used torture, beatings, unsanitary conditions, and restrictions of food in secret prisons to obtain confessions from those suspected of involvement in the mutiny and any cases considered as "national security" (see Section I.d.).

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).

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 to 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 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 currently houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported that inmates are routinely beaten and subjected to other forms of abuse at the prison in Koundara in northern Guinea.

A member of a political opposition party, a soldier, a local human rights organization, and former prisoners reported that the Government houses political prisoners 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.

Although the Minister of Justice denounced inhuman prison conditions during televised visits to prison facilities in 1996, no concrete action was taken to improve conditions. The Government, however, does permit 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.

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 of time before being charged. After being charged, the accused may be held until the final outcome 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.

The Government detained about 30 to 40 alleged mutiny ringleaders following the February 1996 uprising, which involved some 2,000 soldiers who had protested low salaries and benefits. The mutiny evolved into an attempted coup d'etat that nearly toppled the Government, during which an estimated 30 to 50 people in Conakry, mostly civilians, were killed.

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. Unidentified security forces had rounded up hundreds of soldiers and civilians suspected of involvement in the mutiny. The Government subsequently charged a total of 43 soldiers with murder, looting, armed robbery, and abandonment of post in connection with the mutiny and detained the rest without charges. A government prosecutor released 63 detained soldiers for lack of evidence in August 1996 and security forces allegedly released 60 more detainees in March and April. Judicial authorities denied any responsibility for the arrests, yet took custody of dozens of detainees transferred by security forces.

The Government continues to detain two members of the Rally of the Guinean People following trial for killing a policeman during a demonstration in 1995 that became violent.

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 are 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 autonomous Red Berets; however, no

action was 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 armed services, however, made no use of a military tribunal following the February 1996 mutiny and transferred dozens of detained soldiers to the judiciary (see Section 1.d.). The Government announced in September 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees, but at year's end, the Council had not prosecuted any cases.

In June Minister of Justice Maurice Zogbelemou Togba activated a Special State Security Court to try the 30 to 40 alleged mutiny ringleaders who remained in custody following the attempted uprising in February 1996. Togba has defended the Special Court's legality, citing statutes predating the 1992 Constitution. Members of political opposition parties and the independent press maintain that the Court is unconstitutional, arguing that the Fundamental Law of 1992 superseded related statutes. They also maintain that because the State presents evidence as well as makes final judgment, the Court infringes on the prisoners' due process rights because the judiciary is beholden to the executive and lacks real independence.

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. They also reported that prison guards eavesdropped on their conversations, 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 rules 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).

Many victims of crime fear that they may never achieve 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 after being soaked with a flammable liquid by their victims or by others, even though there may be insufficient evidence that a crime has actually taken place. OGDH reported a Conakry driver, falsely accused of theft, was beaten to death in 1996 by an angry mob after his car broke down. Police authorities rarely intervene to rescue victims of vigilante justice.

The Government holds less than a dozen 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.

The Government denies holding any political prisoners. Members of political opposition parties and a local human rights organization dispute this claim, saying that dozens of political prisoners are being detained or have disappeared.

In June four leaders of the main opposition party, the Rally of the Guinean People (RPG), received 2-year prison sentences. The four opponents were arrested for alleged criminal acts in November 1996 and charged with voluntarily causing injury to others following a rally to welcome their leader, Alpha Conde, back to Guinea. During an impromptu parade en route to Conde's residence, RPG supporters clashed with students, several of whom were injured. The students responded by attacking the nearby RPG headquarters and were joined by local residents who together looted and burned what remained of the offices.

In September 1996, a circuit court settled the cases of 35 RPG detainees held in N'zerekore in a military camp without charges since August 1995. The authorities originally imprisoned the RPG activists after violence broke out during a general strike. One policeman was killed in the clashes. In September 1996, the court released 33 of the activists, sentenced one person to 5 years in jail and another person to 3 years in jail with a fine of \$1,000.

**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 are frequently 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, especially expatriate companies, often complain of intimidation and harassment by public officials and authorities.

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 that vitiate any real protection. 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.

The Government publishes the 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.

There is a vocal independent press that is critical of the President and the Government. For example, the weekly satirical newspaper Le Lynx publishes front page cartoons lampooning the Head of State and senior

government officials. The government-controlled daily (Horoya) and five weekly newspapers (Le Lynx, La Lance, L'Oeil, L'Independant, and L'Independant Plus) publish regularly in Conakry, and up to 10 other publications publish 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 papers offer news and criticism of both the Government and the opposition.

The Government maintains control of the electronic media, and national radio serves as the most important means of reaching the public. The Government authorized in 1996 the temporary FM transmission of Africa Number One, a private Gabonese radio station and promised a permanent license, but the license was not issued and the station is no longer broadcasting. Many citizens listen regularly to foreign-origin short-wave radio, and some have access to foreign television satellite broadcasts.

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 after the Minister of Justice filed a complaint accusing the two men of libel and publishing false information. The newspaper had printed an article criticizing Justice Minister Togba and his attempts to stifle the country's independent press. The journalists were released on August 11 with no formal charges filed. They were detained again on August 25, after the paper printed a follow-up story again criticizing the Justice Minister, but subsequently released.

Ismael Bangoura, publishing manager of L'Oeil, was sentenced in January to a month in jail, and was fined after conviction a token sum of 1 Guinean franc for "publishing false information and for illegal publication." The Justice and Security Ministers leveled the charges against Bangoura after the paper published an article criticizing a government meeting.

On April 25, President Conte fired Minister of Information and Culture Michel Kamano. Kamano, a senior ranking cabinet minister, was a vocal proponent of establishing independent radio.

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, are often 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 for funerals. Pursuant to this statute, local authorities may 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.

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

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 Rally of the Guinean People (RPG) party (See Section I.e.).

c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference. The Government generally respects these rights in practice. The quasi-governmental National Islamic League represents Guinea'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 dialogue 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. The Government requires all citizens to carry a national identification card, which they must present on demand at security checkpoints. Travelers face harassment by police and at military roadblocks, particularly late at night. The independent press and local NGO's reported that travelers are often pressured into paying bribes to allow free passage. On April 22, President Conte announced the shut-down 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 reduced security force presence at the checkpoint, however, it later reestablished the checkpoint at full strength and established new ones as well throughout the country following the May 25 coup in neighboring Sierra Leone. Government officials state the corruption is being perpetrated by a few rogue soldiers. Abuse, however, at official checkpoints is systematic.

The Government permits foreign travel for its citizens, although it retains the authority to limit it for political reasons. The Government officially closed its land borders with Sierra Leone and Liberia for security reasons related to a May 25 coup in Sierra Leone and for the July elections in Liberia and the border with Sierra Leone remains closed. Commerce authorities restricted overland trade in August 1996 of some products in an effort to improve tax collection and these restrictions continue.

In June President Conte, concerned about internal security, barred Sierra Leoneans from entering Guinea without proof of onward travel plans. Officials from the office of the United Nations High Commissioner for Refugees (UNHCR) said that refugees continued to move relatively freely into Guinea, however, due to porous borders.

The Government permitted Liberians to return to their country to vote in national elections in July. However, these persons were not officially permitted to reenter Guinea as asylum seekers.

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 1997 census report, the Government provided asylum to more than 400,000 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, approximately 40,000 additional refugees entered the Forecariah region following the May 25 coup in Sierra Leone. Many of the approximately 30,000 Sierra Leonean refugees already in Forecariah and an additional 170,000 Sierra Leonean refugees living in the Forest region were scheduled for repatriation, but the May coup forestalled this effort.

There were some reports of forced repatriation. An international NGO reported that refugees were loaded onto military trucks to be returned to Sierra Leone following the coup. The UNHCR reported that about 20 Sierra Leoneans fleeing coup violence were detained at the border but eventually released to UNHCR workers. The UNHCR also received unconfirmed reports that boatloads of Sierra Leonean refugees were turned away by the Government at the port of Conakry.

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.

While the Government has generally been hospitable toward refugees, several NGO's reported that local police and border patrol guards often demanded bribes before allowing refugees into the country. Some border officers demanded sex in lieu of money from women who had insufficient funds to pay bribes.

International NGO's said that refugees are subject to arbitrary arrests, but the harassment is not specifically targeted 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. A UNHCR official said that a refugee prisoner died in custody in Lola in 1996, but at year's end there had been no reported government action or investigation. Unknown members of the security forces killed one refugee and wounded another in June (see Section 1.a.). A World Food Program official reported that refugees are not receiving their complete meal rations donated by the organization.

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 a multiparty parliament, the ability of citizens to exercise effectively this provision is restricted. The Government's tight control of the electoral process and lack of an independent electoral oversight mechanism call into serious doubt the ability of citizens to change the Government.

President Conte took office in 1994 after multiparty elections in December 1993 in which the Government dominated the electoral process. In 1995 the President's party, PUP, won 62 percent of the legislative seats (one seat short of the majority required to make constitutional amendments) and 56 percent of the municipal vacancies. The International Commission of Jurists reported seeing no seals on the legislative ballots, results envelopes left open, and various means of intimidation used at some polling places. The African-American Institute said that the National Electoral Commission—the supposed "moral guarantor of electoral fairness"—had only a marginal role.

Opposition leaders deemed the entire process an "electoral masquerade" and "a comedy," and openly questioned the credibility and legitimacy of PUP's municipal and legislative landslide victories. Shortly after results were announced, nine opposition parties joined forces to form an umbrella organization, CODEM, dedicated "to act, organize, and combat together to make Guinea a land of liberty." These parties' deputies took their seats in the National Assembly and played an active role in budgetary and general sessions. Government radio and television provided live coverage of some legislative sessions in 1996, but not in 1997.

President Conte consolidated control of several key government operations in March. He issued a presidential decree that gave him new, direct control over the central bank, major public works, and the State In-

spector General, enabling the President to bypass his ministers. The decree also curtailed the authority of Prime Minister Toure, whose portfolio had further been stripped of economic matters.

On June 17, President Conte decreed personnel changes in the administration of the country's interior. The 38 new secretaries general (deputies to governors and prefects) are all members of the PUP with strong ties to the President, thereby threatening the autonomy of elected mayors as secretaries general control city budgets. The President already appoints the governors and prefects to administer regions and subregions respectively, and they supervise the secretaries general who are employees of the Minister of the Interior. Opposition party officials and the independent press have charged that this action signals that the Government is using 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 this year.

During the April-May session of the National Assembly, a majority of deputies once again rejected the Minister of Territorial Administration's efforts to appoint, rather than elect, neighborhood councils, as he attempted in 1996. No neighborhood council elections have been scheduled.

Women are underrepresented in the Government. The President appointed a Cabinet in July 1996 and reduced the number of women who hold positions in the 23-member Cabinet from 4 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.

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

Local NGO's 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; however, various officials have blocked private efforts to memorialize victims of the Sekou Toure regime.

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 uniformly enforce these provisions.

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 stig-

ma attached to rape prevents most victims from reporting it. The Government has not vigorously pursued 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. In February UNHCR reported that a refugee was raped by two men in military garb. No arrests were made. The UNHCR reported that a refugee was raped by two members of the military in N'zerekore in November 1996. Military officials told the UNHCR that one soldier was arrested but he later escaped. Two male refugees raped a female refugee in Yomou in June. Security officials detained the men and placed them under the supervision of refugee camp officials. At year's end, prosecution was reportedly proceeding, but they had not come to trial.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Protection works to ensure such equality. Women face discrimination, however, particularly in rural areas, where opportunities for women are limited by custom and 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 polygamy 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.c.). 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.

Total enrollment in primary education is just over 580,000, 34 percent of whom are girls. Approximately 35 percent of all eligible students are enrolled in primary schools, but the ratio is much smaller for secondary schools. The proportion of girls enrolled in secondary schools is much lower than the percentage in primary schools. The Government spent 5 percent of its gross domestic product on education in 1996.

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 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. Expert estimates vary between 65 and 90 percent. The lower figure, if accurate, would represent a decline over the past decade 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, is still 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 Committee on Traditional Practices Affecting Women and Children (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, working in collaboration with the World Health Organization's regional efforts, 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 promoting an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as age 11 in the Forest region.

Prostitution exists in the informal economic sector and employs girls as young as age 14. 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 people work, although some develop opportunities in the informal sector.

National/Racial/Ethnic Minorities

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. Senior government levels and the highest military ranks below the President include representatives of all three major ethnic groups.

President Conte, however, reserved the majority of recent senior promotions in the armed forces for Sous-sous, his own ethnic group. Opposition leaders contend that Sous-sous are overly represented in high-level cabinet positions.

In March ethnic tensions sparked violence in Koule, a small town in the Forest region. Members of the Malinke and Gerze ethnic groups clashed following an alleged rape of a Gerze woman by a Malinke man. Military personnel reported that at least three Gerze were killed in the violence. Several hundred villagers from both ethnic groups were seen fleeing the area by an NGO delegation, observed the town center empty of residents, numerous dwellings burned and sacked, and dozens of armed soldiers patrolling the streets.

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 indirectly funded 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 and the National Organization for Free Trade Unions of Guinea. Several disgruntled groups within the CNTG left the Confederation in 1996 citing corruption of among 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 on April 14. Union leaders ended the strike after President Conte promised to reinstate an 8 percent pay raise for all state employees.

Members of the independent union, Free Union of Educators and Researchers of Guinea (SLECG), and the government affiliated union, Professional Union Federation for Education (FSPE), went on strike to restore a previously agreed wage increase as well as cost of living adjustments. Union leaders 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. In August the teachers received an 8 percent salary increase (the same increase was also 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, however, may start at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, nor for more than 12 consecutive hours; nor 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 states that approximately 66 percent of children between the ages of 7 and 14 were employed in the rural sector, 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 are employed. The rate jumps 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.

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 provides for the establishment by decree of a minimum hourly wage, but the Government has not done so. There are also provisions in the Code for overtime and night wages, which are fixed percentages of the regular wage. 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 21/2 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.