



## Guinea

### Country Reports on Human Rights Practices - [2000](#)

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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. Guinea held its first multiparty legislative elections in 1995, delivering more than 60 percent of the 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. Although the PUP continues to dominate all three branches of Government, opposition parties on occasion have 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 1998 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. Nevertheless, the election was much more transparent and fair than the 1993 election. In the 1998 presidential 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. The Government postponed municipal elections scheduled for 1999 until June. The elections were deeply flawed, with the opposition making credible charges of government intimidation, fraud, and manipulation. Legislative elections originally scheduled for 1999 have been postponed indefinitely at the request of both the PUP and opposition parties due to instability in the border region, which makes voter registration and campaigning extremely difficult. An increasingly disproportionate number of public sector positions, including senior military and cabinet posts, are held by members of the President's own minority 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 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 population of 7.6 million engage in subsistence agriculture. Annual recorded per capita gross domestic product was about \$595 in 1999. 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, especially between 1996 and 1999, due in part to substantial assistance from international financial institutions and bilateral donors. However, economic performance has lagged since 1999, and government collaboration with international financial institutions and donors was complicated by additional defense spending in response to attacks from Sierra Leone and Liberia by RUF rebels and Liberian forces. In addition widespread corruption and limited transparency in Government blocked efforts at economic and fiscal reform; in particular corruption at the port and customs offices hampered effective collection of nonmining receipts.

The Government's human rights record was poor; although there were some improvements in a few areas, serious problems remained in many others. The Government's tight and sometimes partisan control of the electoral process, both in the 1998 presidential election and the deeply flawed June municipal elections; its refusal to create an independent electoral oversight mechanism; and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. Major human rights abuses include: Extrajudicial killings; disappearances; use of torture, beatings, and rape by police and military personnel; and police abuse of prisoners and detainees. Soldiers, police, and civilian militia groups killed, beat, and raped citizens, as well as refugees from Sierra Leone and Liberia. Security forces used arbitrary

arrest and detention. Members of the security forces committed abuses with impunity. Prison conditions are inhuman and combined with inadequate medical care frequently resulted in deaths. Prolonged pretrial detention is a problem. The Government failed to ensure access by attorneys to clients in prison, maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press. The private print press criticized the Government freely, but the Government continued to monopolize the broadcast media, including radio, the most important medium of mass communication. The Government restricted freedom of assembly. The Government imposed cumbersome requirements for official recognition on associations, and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, reports of trafficking of women and children, and vigilante actions by victims or others persisted.

RUF rebels from Sierra Leone and armed attackers from Liberia committed a large number of killings, mutilations, abductions, and other abuses, including the burning of homes.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Political and other Extrajudicial Killing

Security forces committed fewer extrajudicial killings than during the previous year, and there were fewer violent riots and instances of government overreaction than in the previous year. However, during municipal elections held in June, security forces, along with ruling party militants, clashed with opposition party supporters, resulting in the death of eight persons and injuries to several others. There was no investigation into the incident. In late November or early December, security forces killed six persons, including a university professor, in Conakry; they reportedly were meeting to plan a demonstration against the Government's policy in the forest region, and security forces claimed that they thought they were armed rebels (see Section 2.b.). No action was taken against the security forces by year's end.

At the beginning of November, the army bombed several villages in northern Sierra Leone in a campaign against rebels from Sierra Leone and Liberia. On December 8, troops attacked Rosint Village in northern Sierra Leone and killed several civilians, abducted over 50 persons, and burned over 30 houses.

There was at least one reported case of a prisoner being tortured to death (see Section 1.c.). Some opposition members believe that his death was linked directly to torture by government authorities at a small military camp on Kassa Island. The Government denied these charges. In addition in January 1999, during Alpha Conde's detention (see Section 1.e.), one of his codefendants died in prison, reportedly because of torture (see Sections 1.c.).

Deaths in custody due to inhuman prison conditions and inadequate medical treatment remained frequent (see Section 1.c.). Human Rights Watch (HRW) confirmed that a refugee detained along with approximately 3,000 others following a series of crossborder rebel raids died while in detention because of poor prison conditions (see Sections 1.d. and 2.d.).

There was no action taken in the October 1999 case in which security forces killed two students when using unauthorized lethal force to bring a violent protest under control; nor in the 1999 case of a woman who died of injuries inflicted by members of the security forces during their suppression of riots in Labe.

No action was taken against Banian subprefect Jean Traore, who shot and killed a man and wounded two other persons in 1998 while attempting to disperse a gathering of supporters of the Rally of the Guinean People (RPG). No action was taken against members of the security forces or government officials, who used excessive force against opposition party supporters, resulting in deaths both before and after the December 1998 presidential elections.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGO's) to investigate political killings that took place in the 1970's under then-President Sekou Toure. Visits during the year to Camp Boiro, where political prisoners were held during the Sekou Toure regime, suggested that there is an ongoing effort to destroy evidence of the former use of the camp.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead (see Section 5).

Many victims of crime fear that they may never receive justice because of judicial corruption and at times 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.

RUF rebels from Sierra Leone and armed attackers from Liberia killed hundreds of civilians and members of the security forces in crossborder raids during the year. In the latter half of the year, armed Liberians crossed the border and attacked the town of Macenta, while RUF rebels from Sierra Leone attacked Forecariah; both groups killed villagers, burned houses, pillaged crops, and looted property (see Section 1.f.). Since early September, crossborder clashes resulted in over 900 deaths. For example, on September 3, RUF rebels and Liberian forces attacked the village of Massadou on the Liberian border, killed 47 persons, burned homes, and looted food supplies. On September 6, suspected RUF rebels from Sierra Leone killed 27 persons in a crossborder raid on the village of Pamalap. On September 16, in an attack on the border town of Macenta, unidentified armed men from Liberia killed Mensah Kpognon, a humanitarian worker from Togo, and 34 other persons. They also abducted Sapeu Laurence Djeya, a humanitarian worker from Cote d'Ivoire, who was released on September 28 (see Section 1.b.). On September 27, suspected Liberian armed attackers possibly supported by Guinean dissidents in exile killed 67 persons, including 3 soldiers after an attack on Macenta. On September 30, armed rebels attacked the villages of Macenta and Forecariah; the Government reported that there were numerous deaths and injuries. On October 2, armed men from Liberia killed three persons in an attack on the village of Koyama. On November 13, rebels attacked Yagouya and Soumbazaya villages, killing one person and abducting all of the village residents. After a relatively calm period, hostilities increased at the beginning of December when RUF rebels and Liberian forces attacked Gueckedou and Kissidougou, killing approximately 100 civilians and displacing thousands of persons.

#### b. Disappearance

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

There were reports that members of the armed forces abducted persons from Sierra Leone after attacks by RUF rebels and Guinean dissidents. For example, on December 8, troops attacked Rosint Village in northern Sierra Leone and abducted over 50 persons, killed several civilians, and burned over 30 houses.

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. Baba Sarr, a relative of reported mutiny ringleader Major Gbago Zoumanigui, remains missing since his detention following the mutiny. Many of those missing after the 1996 mutiny were in self-imposed exile, according to family members.

On September 6, during a crossborder raid, RUF rebels from Sierra Leone abducted two Italian missionaries; they escaped on December 3. On September 17, armed attackers from Liberia abducted Sapeu Laurence Djeya, an Ivorian humanitarian worker; she was released after several days. Survivors of some of the crossborder attacks report that the entire populations of small villages were abducted and taken to Sierra Leone. For example, on November 13, rebels attacked Yagouya and Soumbazaya villages, abducting everyone then in the village and killing one person (see Section 1.a.).

#### 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 beat and otherwise abused civilians. There were also reports that 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. Police ignore legal procedures, and extort money from citizens at roadblocks (see Sections 1.f. and 2.d.). Refugees from Liberia and Sierra Leone reported that some soldiers demanded sex in exchange for entry into the country. There are also reports of sexual assaults on refugees (see Section 2.d.).

During June's municipal elections, diplomatic observers witnessed security personnel beating unresisting persons. A local human rights NGO reported that security forces also shot, beat, and raped civilians, and pillaged personal property during the June elections (see Sections 1.a. and 3).

In early September, after a series of rebel raids into the country, President Conte blamed the attacks on refugees. Subsequently soldiers, police, and civilian militia groups detained thousands of refugees from Sierra Leone and Liberia, so of whom they beat and raped (see Section 2.d.).

Defendants in the Alpha Conde trial often reported that they were tortured, starved, and neglected during their detention (see Sections 1.a. and 1.e.). In January 1999, prison officials reportedly tortured to death warrant officer Guey Keita.

Vigilante groups beat and robbed Liberian nationals in Conakry on several occasions. Refugees in the Katkama refugee camp reported at least two instances of sexual assault by vigilantes during the year. On September 30, armed gangs attacked the Farmoriah refugee camp near Forecariah, beating the refugees and burning their belongings. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups. In one instance in October, a group of vigilantes forced five of the refugees to the police station in Gueckedou where they were detained (see Sections 1.d. and 2.d.).

During the year, RUF rebels from Sierra Leone and Liberian rebels conducted a number of crossborder raids during which they killed, injured, and displaced persons, and burned and looted homes (see Section 1.a.).

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 in 1998 being housed with between 60 and 80 prisoners in 1 cell, with a single toilet and no beds. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. Men and women are housed separately, but juveniles generally are mixed in with adults.

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 houses 120. There is no electricity or running water.

The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely are beaten and subjected to other forms of abuse at the prison in Koundara in the north. Although the Minister of Justice has criticized inhuman prison conditions during televised visits to prison facilities, no concrete action was taken to improve conditions by year's end.

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.

Opposition party members alleged that they had not been permitted to visit Alpha Conde in prison at year's end.

In November 1999, the International Committee of the Red Cross (ICRC) signed a detention accord with the Government for satisfactory access to prisoners. The ICRC reported that, for the most part, it had access to prisoners during the year (see Section 4).

#### d. Arbitrary Arrest, Detention, or Exile

Security forces continued to use arbitrary arrest and detention regularly, 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 Code of Penal Procedure allows only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detain persons as well. The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged 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; however, at times it occurs in practice. The law provides for access by attorneys to

their clients, but authorities frequently do not respect this provision.

On February 7, police detained approximately 30 students, who were marching to protest poor conditions in school (see Section 2.b.).

The Penal Code strictly forbids civilians being detained at military camps; however, this provision largely is ignored. During June's municipal elections, police arrested and detained 44 persons, including children, women, old men, and an imam. They were taken to a military camp, where they reportedly were stripped, threatened, beaten, and tortured. They were released through the intervention of local and religious authorities (see Sections 1.c. and 3).

RPG members allege that authorities arrested and detained an individual who brought food to Alpha Conde; he was accused of threatening national security and was held in solitary confinement for one week before being released.

Some police forces took advantage of the Alpha Conde trial (see Section 1.e.) by arresting and detaining their creditors and other enemies, beating them, and then falsely accusing them of complicity with Conde.

In early September, after a series of crossborder raids by RUF rebels and mercenaries, police detained approximately 3,000 refugees, although most were released within several days (see Section 2.d.). HRW confirmed that a refugee died while in detention because of poor prison conditions (see Sections 1.a. and 2.d.). In September in Massakoundou, police arrested four refugees found to have tattoos on their bodies, although they were released a few days later. In October five refugees from the Gueckedou refugee camp were detained after vigilantes found tattoos on them (see Section 1.c.). Two eventually were released; however, one still is in detention in the Gueckedou police station, and two were transferred to Conakry.

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.). In previous years, 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 denied the existence of the Kassa Island Prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and are located in other prisons. In 1998 foreign diplomats visited the military installation on Kassa Island, where they saw no evidence of a torture facility. However, there continued to be reports of the Kassa facility's existence. During the trial of Alpha Conde, many of the accused claimed that they were brought to Kassa Island and were tortured for time periods that ranged from a few days to several weeks (see Sections 1.a., 1.c., and 1.e.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.).

On at least one occasion, authorities arrested a journalist (see Section 2.a.).

On December 15, 1998, the day after the election, 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 detained Conde incommunicado until December 30, 1998, 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. During the year, foreign officials, including the Senegalese Minister of Justice, and several foreign diplomats visited Alpha Conde in detention. Conde's lawyers reported that they had generally free access to their client as well as to the dossier of his case. Conde's doctor, but not his family members, also had access to him. Conde's trial, originally scheduled for 1999, was postponed until April and concluded in September (see Section 1.e.).

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile according to their families (see Section 1.b.). There are credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces (see Section 1.a.).

#### e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely defer to executive authorities 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, the two Courts of Appeal, and the Supreme Court, which is 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 by year's end, the Council still had not prosecuted any cases.

During the year, the State Security Court was used to try Alpha Conde and his defendants. The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence.

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. By year's end, the new Minister of Justice had introduced a prisoner tracking system that enabled him to review the cases of individual prisoners and to follow up on cases that did not reach the courts in an appropriate amount of time.

During the December 1998 presidential elections, the Government ordered the closure of all land borders. On December 15, 1998, presidential candidate Alpha Conde, leader of the RPG, and three others were arrested in Pine, Lola, near the Liberian border. Conde subsequently was charged with illegal use of military force, undermining the authority of the state and the integrity of the national territory, use of violence against a state security officer, wrongful possession and transfer of foreign currency, and an illegal attempt to cross the frontier. Conde's arrest led to street protests by RPG militants in Conakry, which were repressed by police, resulting in the arrest and detention of many protesters (see Sections 1.d. and 2.b.).

The Government continued its investigation, and it later arrested and charged several civilians and military officers in connection with Conde. In April Alpha Conde and 47 others were brought to trial. At the start of the trial, the presiding judge allowed an international team of lawyers to defend Conde and allowed international observers in the courtroom, over the objections of the Government. However, when the court refused to nullify the case based on Conde's parliamentary immunity, the legal team resigned in protest. The court immediately appointed other lawyers to defend Conde and his codefendants. Conde and one other defendant rejected those lawyers and refused to speak in court. Others accused the prosecution of witness tampering, intimidation, and outright fraud. An international NGO, Commission Internationale de Juristes, sent an observer to the trial who noted several problems with the conduct of the trial. On September 11, Conde was found guilty, and he was sentenced to 5 years in prison. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served.

Many citizens are wary of judicial corruption and instead prefer 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, in accordance with Islamic precepts (see Section 5).

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 they were arrested and convicted under criminal laws, such as those applying to creating disorder, inciting violence, and corruption. Consequently some of these individuals received disproportionately harsh punishment due to their political affiliation. Members of political opposition parties and a local human rights organization stated that dozens of persons also are being detained or have disappeared for political reasons (see Sections 1.b. 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. Police and the military frequently detained persons at nighttime roadblocks for purposes of security and extortion (see Section 2.d.).

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

In early September, after a series of crossborder raids, police and civilian militias looted houses, stole property, and destroyed property belonging to Sierra Leonean and Liberian refugees. In late October, Governor Mbemba Bangoura reportedly told mayors of different communes within Conakry to conduct house to house searches for weapons.

On December 8, troops entered Rosint Village in northern Sierra Leone and burned over 30 houses.

RUF rebels from Sierra Leone and Liberian forces killed civilians, burned homes, pillaged crops, looted food supplies and other goods, and took civilian hostages during numerous crossborder raids (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, that incite violence, discrimination, or hatred, or that disturb the public peace. Resulting sanctions may include revocation of press cards, imprisonment, and banishment. In December 1999, two journalists who published a financial scandal involving two highly placed ministers were arrested under these laws.

The Government publishes an official newspaper, Horoya, and operates the official television and radio (ORTG) stations. In response to strong political pressure and in order to protect their jobs, journalists for the official press practice self-censorship and avoid reporting on politically controversial issues. However, several younger broadcast journalists for the official press 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 published 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 they are hampered by technical and financial difficulties stemming from paper and ink taxes, among other informal obstacles. Le Lynx and La Lance, under the same management, also are connected to the Internet and have web sites. One newspaper, L'Espoir, is affiliated with the governing political party, and several other newspapers are affiliated with opposition parties. Other newspapers offer news and criticism of both the Government and the opposition. However, because the literacy rate is only around 35 percent and the price of newspapers is beyond the reach of the average citizen, the effect of the print media is limited. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists whom it considers threatening.

The Government closed L'Independant and L'Independant Plus for several weeks during the year, and the editor reportedly was expelled from the country. The newspapers reappeared for a period as Le Democrat and Le Republicain; however, the original names eventually were reinstated.

In July authorities arrested a journalist after he published an article about the electric company Sogel. He later was released, but his trial was pending at year's end.

The Government owns and operates all domestic broadcast media including radio, which serves as the most important means of informing the public. It is estimated that every household in the country has at least one radio. Many citizens listen regularly to foreign-origin short-wave radio, because of a lack of confidence in the state media, 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, by stringing a network of cables to a single satellite dish, entire

neighborhoods are gaining access to foreign programming.

On July 28, the National Council of Communication announced the 2-month suspension of the accreditation of three foreign radio correspondents in Conakry for their allegedly biased reporting. Those affected by this measure were Mouctar Bah of Radio France International (RFI), Ben Daouda Sylla of Africa No. 1 (based in Libreville), and Amadou Diallo of the British Broadcasting Corporation (BBC). On September 25, the National Council of Communication lifted the suspension.

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 public and private telephone company that holds a monopoly on international telephone lines. The Government did not restrict Internet access. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone 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. While in theory the law allows private electronic media, the Government has held up proposals for private radio and television stations, on the grounds of national security and stability.

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, although the Government delayed the distribution of a February issue of *L'Intelligent/Jeune Afrique* for several days, while preparing a rebuttal to an article "Guinee C'est L'enfer" ("Guinea is Hell"), which criticized conditions in the prisons and focused on the Alpha Conde case.

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; however, both public and private schools are obliged to follow the Government's curriculum, on which the national examinations are based.

In December security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region (see Sections 1.a. and 2.b.).

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

The law restricts freedom of assembly, and the Government exercises its power to restrict 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.

On February 7, riot police dispersed a crowd of students who were marching to the Education Ministry to protest overcrowding and poor conditions in schools. Police detained temporarily approximately 30 students on the charge of being "bandits." In late November or early December, security forces killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region; security forces claimed that they thought they were armed rebels (see Section 1.a.). In response on December 5, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, nongovernmental organizations, groups, cooperatives, and political parties.

Freedom of association is protected by law; however, the Government imposes cumbersome requirements to obtain official 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 were approximately 46 legally recognized political parties; deputies of 9 different parties were represented in the National Assembly.

#### 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 government-sponsored National Islamic League (NIL) represents the country's Sunni Muslim majority, who make up 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax benefits and energy subsidies. Missionary groups are required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

The NIL 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 NIL have spoken out against the proliferation of Shi'a fundamentalist sects on the grounds that they "generate confusion and deviation" within the country's Islamic family, they have not restricted these groups. Foreign missionaries and church-affiliated relief agencies operate freely.

Government support of the powerful, semi-official NIL has led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims are represented in the Cabinet, administrative bureaucracy, and the armed forces. Conversions of senior officials to Islam, such as that of the Defense Minister, are ascribed to the NIL's efforts to influence the religious beliefs of senior government leaders. The Government refrains from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

There have been no recent reports that government officials have obstructed or limited missionary activities of Jehovah's witnesses, who had reported isolated instances of harassment in the past.

Despite claims of separation of church and state, in July the Government announced that it would finance the renovation of Conakry's grand mosque, the mosque at which President Conte practices.

In April 1999, for the first time, the Government required government ministers to take an oath on either the Koran or the Bible, which provoked criticism from those who saw the gesture as incompatible with the secular nature of the State.

#### 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 infringed on these rights in some areas. 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. Government officials state that the corruption is being perpetrated by a few rogue soldiers; however, abuse at official checkpoints is systemic.

During the June municipal elections, the Government closed roads in Conakry, preventing some voters from reaching polling stations (see Section 3).

Although the Government permits foreign travel for its citizens, it retains the authority to limit such travel for political reasons. In September the speaker of the National Assembly complained that his passport was confiscated at Conakry's Gbessia Airport upon his return to the country. The Government claimed that it was a simple misunderstanding and said that the passport was taken for courtesy check-in. Similarly two National Assembly delegates reported that they were not given diplomatic passports because they were opposition party members.

Following an August 13 release into Guinea of humanitarian workers held hostage in Kolahun, Liberia, by a dissident group, the Government closed its border with Liberia (see Section 1.d.). The border was reopened, and as of year's end, the border remained officially open.

The Government closed its border with Sierra Leone intermittently. At the beginning of August, the Government closed the border, later allowing access only to "vulnerable" refugees, including pregnant and lactating women, children below the age of 18, and the elderly. At the beginning of September, the U.N. High Commissioner for Refugees (UNHCR) confirmed that at least 10,000 civilians were waiting to cross the border, and that a pregnant woman and at least 10 children had died due to poor conditions in makeshift camps on the border.

There are approximately 150,000 to 200,000 internally displaced persons (IDP's) in the country as a result of

the border attacks by RUF rebels from Sierra Leone and Liberian forces. The Government estimated this number at 209,000; however, the UNCHR believed that the number was lower.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of October 3, approximately 500,000 Liberian and Sierra Leonean refugees were resident in the country. According to the UNHCR, more than 200,000 Sierra Leoneans entered Guinea since January 1998 and are mostly in the forest region. The Government claims that many more refugees are present in the urban areas of the country, and that the number of refugees in the country is closer to a million. Refugees account for half or more of the populations of the forest region cities of N'Zerekore, Gueckedou, and Macenta. Almost all of the refugees from Guinea-Bissau were repatriated by year's end.

In past years, the Government has provided school buildings, access to local medical facilities, and land for farming to assist those designated as refugees. However, relief organizations reported that some local authorities have demanded portions of donated fuel and food from delivery convoys. In October instability in the southern border areas where most refugees lived prompted the Government and the UNHCR to call for assistance in moving refugees away from the border. However, although the Government initially was reluctant to allocate suitable arable land for the establishment of new refugee camps further from the border, it did so by year's end.

In previous years, the Government generally was hospitable toward refugees; however, as crossborder raids by RUF rebels from Sierra Leone and Liberian forces intensified, the Government increasingly become less tolerant toward refugees. There was credible evidence that RUF forces used refugees as informants and disguised themselves as refugees to prepare for attacks on the country. For example, in early September, after a series of rebel raids into the country, President Conte, in a radio address, accused Liberian and Sierra Leonean refugees living in the country of fomenting war against the Government. Soldiers, police, and civilian militia groups rounded up thousands of refugees, some of whom they beat and raped (see Section 1.c.). Approximately 3,000 refugees were detained, although most were released by year's end (see Section 1.d.). HRW confirmed that a refugee died while in detention (see Sections 1.a. and 1.c.).

Reports have become rare that police and border patrol guards demanded bribes before allowing refugees into the country or that some border officers demanded sex from women who lacked money to pay bribes. However, there were some reports that refugees were forced to pay bribes to leave refugee camps guarded by the armed forces and then were forced to pay bribes to get past many of the checkpoints. Security forces arrested suspected rebels at the border as they tried to enter the country.

Vigilante groups attacked Liberian nationals in Conakry on several occasions. Refugees in Katkama camp reported at least two instances of sexual assault by vigilantes during the year. Groups of vigilantes in the Gueckedou area forced refugees and humanitarian workers to undress and then examined them for tattoos, which are presumed to be identification marks for rebel groups (see Sections 1.c. and 1.d.).

### 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 to exercise this provision effectively 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 to change their government peacefully.

Although opposition political parties have been legal since 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 and the first multiparty legislative elections in 1995, limiting the opposition to a subordinate role.

Municipal elections took place on June 25; however, national legislative elections were postponed indefinitely at the request of both the PUP and opposition parties. In the June elections, President Conte's ruling PUP party claimed victory in 32 of 38 municipalities. The announcement of the results was delayed for several days in the wake of post-election violence. Reportedly the police killed eight persons during clashes between opposition demonstrators and police, and injured several more (see Section 1.a.). A diplomatic observer noticed an increased military presence in the interior municipalities of Mamou and Kankan, and on June 28, he witnessed eight soldiers beating three unresisting citizens (see Section 1.c.). The Government claimed that the elections were free and transparent, but the opposition strongly disagreed and claimed credibly that the Government and the ruling party engaged in massive "obstruction, fraud, and intimidation" (see Sections 1.d.

and 2.d.). Opposition figures alleged that the Government manipulated the voting by facilitating multiple ballot-casting by ruling party regulars and denying voting cards to opposition party supporters. President Conte made inflammatory and partisan speeches in June and July, threatening opposition leaders with arrest and claiming to rule the country by "divine right," which widely were considered as attempts to intimidate his opponents. During the June municipal elections, the Government closed some roads in Conakry, ostensibly to prevent election fraud; however, in practice it prevented many voters living outside the district in which they were registered from reaching their polling stations and voting (see Section 2.d.). Candidates of a new party led by former Prime Minister Sidya Toure were denied access to the electoral process.

When the victorious PUP councils could not agree on who should be appointed to leadership positions, President Conte named several mayors himself, in a move that observers criticized widely as unconstitutional and irregular.

The country's second multiparty presidential election was held on December 14, 1998, under a somewhat improved electoral process; however, the Government continued to refuse to establish a national election commission independent of the Government, despite opposition demands. In September 1998, 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 oversight 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, President Conte was elected to a second 5-year term, receiving 56 percent of the 2.7 million votes cast, while Bah Mamadou of the Union pour la Nouvelle Republique received 25 percent and Alpha Conde of the RPG received 17 percent. Had no candidate received a majority of votes cast, the Constitution would have required a second election between the two leading candidates.

The election was much more transparent and fair than the 1993 presidential election. Observers from various 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 1998 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 during the 1998 election campaign that ruling party supporters and government officials used force to prevent or disrupt opposition party meetings in Conakry and in provincial towns during the campaign. Violence between PUP and opposition party supporters, as well as violent interethnic clashes with political overtones in Conakry, was frequent and widespread during the election campaign (see Section 5).

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 1998 campaign.

On election day, international observers noted a shortage of ballots for opposition candidates in some districts of Conakry, but an abundance of ballots for President Conte. There were no charges of widespread, systematic obstruction of pollwatchers, but opposition pollwatchers often were absent from heavily pro-Conte areas, suggesting at least selective obstruction. Opposition party officials charged that security forces arrested and detained over 100 opposition pollwatchers on election day; manipulated voting procedures in some areas; and overlooked irregularities in voter registration and in ballot-counting procedures. 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 President Conte.

The Government postponed the announcement of its tabulation of the election results from December 16 to December 17, 1998. During the interim, there was violence and looting in several areas.

Members of the PUP continue to hold 60 seats in the unicameral National Assembly, 1 short of the supermajority required to amend the Constitution.

The President continued 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.

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 government and politics. Four women hold seats in the 26-member Cabinet in the Ministry of Foreign Affairs, the Ministry of Commerce, the Ministry of Tourism, and the Ministry of Social Affairs and Promotion of Women. There are 9 female deputies in the 114-member National Assembly. There are few women at senior levels below minister, and there are no women in the senior ranks of the armed forces. Women also play a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership includes 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 Diallo Telli Foundation; 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, some organizations allege that government officials try to intimidate them, and that they often meet resistance when trying to investigate abuses or engage in civil education. Various government officials have blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

A human rights office within the Ministry of Defense, International Humanitarian Rights, has conducted over 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements.

In November 1999, the ICRC signed a detention accord with the Government for full access to prisoners. In January the ICRC suspended its prison visits because it was denied access to some prisoners, including Alpha Conde; however, the ICRC reported that it had access to prisoners, including Alpha Conde, at year's end.

Following a series of crossborder raids by rebels, several NGO's suspended activities due to insecurity.

#### 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; however, 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. The social stigma attached to rape prevents most victims from reporting it. In particular marital rape goes unreported, because most women and men view it as the husband's right. Several local NGO's are working to increase public awareness of the nature of these crimes and promote increased reporting. The Government has not pursued vigorously criminal investigations of alleged sexual crimes. There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and

Women's Promotion works to advance such equality; however, women face discrimination throughout society, particularly in rural areas where opportunities are limited by custom, and the demands of child-rearing and subsistence farming. For example, on February 7, President Conte remarked in a speech that there were too many women in the customs service, and then he gave instructions to recruit only men for the customs service. Women are not denied access to land, credit, or businesses, but inheritance laws also favor male heirs over females. Government officials acknowledged that polygamy is practiced commonly. 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; however, in practice women receive less pay than men in most equally demanding jobs.

On May 17, the Government instituted a working plan to analyze the situation of women and children in the country. The program involves workshops and training for security and judicial personnel, as well as the education community.

#### 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. There is a Minister of Youth and a Cabinet Minister, appointed by the President, charged with defending women's and children's rights, and in 1996 created a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGO's, and other sectors. The Government provides free, compulsory primary school education for 8 years; however, enrollment rates are low due to school fees and lax enforcement of the laws mandating school attendance. Approximately 51 percent of all eligible students are enrolled in primary school, including 66 percent of eligible boys compared with only 37 percent of eligible girls. Girls often are taken out of school and sent to work to help pay for their brothers' educational expenses. In 1999 the Government spent less than 6 percent of the national budget on education and training programs.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is very widespread. It is practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions for violations of the code. FGM is performed on girls and women between the ages of 4 and 70, but 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), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of females subjected to FGM, estimating the figure to be between 65 and 75 percent. A 1999 Demographic Health Survey estimates that over 99 percent of females undergo FGM. 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 women'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, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting many 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 it supports the CPTAFE's efforts. 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 FGM. Urban, educated families are opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. In November 1999, the CPTAFE held a large public ceremony celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of 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, also is 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 when prostitution of minors is brought to its attention, and it does not monitor actively child or adult prostitution. There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Child labor remains a problem (see Section 6.d.).

#### 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.

#### Religious Minorities

Relations between the various religions are generally amicable; however, in some parts of the country, Islam's dominance is such that there is strong social pressure that discourages non-Muslims from practicing their religion openly.

In January violent clashes between Christian and Muslim villages in the forest region left 30 persons dead. According to both the Secretary General of the Islamic League and the Archbishop of Conakry, the tensions were due primarily to a long-running land dispute, and they were not based on religion. The conflict calmed down after a visit by the Minister of Territorial Administration and Decentralization, but the region remained tense.

#### 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 group speaks a distinct primary language and is concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and 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 the 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 segregated ethnically, and in the relatively low levels of interethnic marriage, even in cities. The proportion of public sector positions occupied by Soussous, particularly at senior levels, is perceived widely 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 sometimes have erupted into violence.

### 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. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. About 52,000 are government workers and are automatically members of the government union. The rest are engaged in private, mixed, and informal sectors. The largest independent union, Union Syndicale des Travailleurs de Guinee (USTG), claims 64,000 members, 18,000 of whom are women.

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. The Labor Code 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. CNTG is an umbrella organization for 16 individual unions of government employees, and each of the 16 individual unions is tied to a government ministry. Although there are now other trade unions and labor confederations, the CNTG remains the largest confederation.

The CNTG is funded indirectly by the Government, 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, the Professional Union Federation for Education, 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 (USTG).

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," which include hospitals, radio and television, army, and police, communications, and transport services.

Strikes are met with intimidation from security forces and, as a result, often do not make it out of the organizational stage. In a 1999 speech to workers at the Coyah water plant, President Conte spoke of the willingness of many unemployed workers to take the places of those who strike. One organization, SAG, tried to organize a strike, and called in the USTG to advise; however, the strike never got out of the planning stage because the organizers were fired quickly by their employers.

The Government continues to subsidize CNTG representatives to the International Labor Organization (ILO) conferences, by paying their travel and lodging expenses. Other independent unions must provide their own funding to attend ILO conferences.

Unions may affiliate freely with international labor groups.

#### 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 are established by the employer in consultation with union delegates. The Code also prohibits antiunion discrimination. Union delegates represent individual and collective claims and grievances with management. However, in regional and prefecture levels, unionized labor faces stiff opposition from government officials. Union officials are selected on the basis of nepotism and patronage, rather than through a hierarchy of competence; these individuals are not sensitized to the rights of workers, and often view unions as an enemy of the State. As a result, union activities in the interior face harassment and interference from many governors and prefects. 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, including forced and bonded labor by children; however, there were reports that women and girls were trafficked (see Section 6.f.).

#### 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. 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. In 1997 the Ministry of Planning estimated 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. Overall about 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. The Government has not ratified the ILO Convention 182 on the worst forms of child labor. Child labor in factories is not a prevalent problem because of the low level of manufacturing. Working children are found mostly in the informal sector areas of subsistence farming, petty commerce, and small-scale mining. Girls as young as age 14 engage in prostitution (see Section 5). The worst forms of child labor can be found in the artisanal mining sector where children haul granite and sand for little or no money. The

Government has spoken out against child labor, but lacks the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers do not have access to education or health care; they suffer from chronic malnutrition, traumatic stress, and depression.

The Government prohibits forced and bonded child labor; however, there were reports that girls were trafficked (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Code of 1988 provides for the establishment by decree of a minimum hourly wage; however, the Government has not done this. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also are 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 on 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 cover even 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 without result. Sodefa, a joint venture of the Guinean and Chinese Governments, was criticized for inhuman working conditions, but when workers tried to protest, security forces were called to disperse them.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, some NGO's report that women and children are trafficked within the country, as well as internationally, for the sex trade and illegal labor. Accurate statistics are difficult to obtain, because victims do not report the crime due to fear for their personal safety.

[End.]