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U.S. Department of State

Guinea Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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 to vote with the opposition on specific legislative matters. The judiciary is subject to executive influence, particularly in politically sensitive cases.

Some 2,000 soldiers, protesting low salaries and meager benefits, mutinied February 2-3. The mutiny evolved into an attempted coup d'etat that nearly toppled the Government; it killed an estimated 30 to 50 people in Conakry, mostly civilians. President Conte fired his Minister of Defense on February 2, naming himself Minister, and appointed a Prime Minister and a new Government in July.

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, whom many citizens view as corrupt, ineffective, and even dangerous, frequently committed human rights abuses.

Eighty percent of Guinea's 7 million citizens engage in subsistence agriculture, and annual per capita gross domestic product is about \$740. Major exports include bauxite, gold, diamonds, fruit, and coffee.

The Government continued to circumscribe human rights. Its 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. Major human rights abuses include: Extrajudicial killings by security forces; politically motivated disappearances related to the mutiny; police abuse of prisoners and detainees; use of torture by military personnel; inhuman prison conditions; instances of arbitrary arrest and detention; governmental failure to guarantee 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; infringement on citizens' privacy; restrictions on freedom of speech and the press; societal discrimination and violence against women; and prostitution and genital mutilation of young girls.

The Government dominated the electoral process. Leaders of the PUP called for the creation of an independent electoral commission. An independent press criticized the Government, but is subject to a broad range of restrictions, including arrest of reporters and suspension of publication. The Government owns and operates the electronic media, the major medium for reaching the vast majority of the public.

The Cabinet appointed in July announced measures to combat security force abuses (including the creation of a discipline council); several cabinet members publicly acknowledged shortcomings of the security apparatus and the need for substantial reform. The Ministry of Justice and the National Assembly attempted to educate the citizenry about the judicial process and individual rights.

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, but there were several extrajudicial killings by security forces.

Soldiers involved in the February mutiny killed between 30 and 50 persons, mostly civilians who were victims of stray fire. The Government made numerous arrests and announced charges, but no trials have taken place. In March uniformed soldiers killed Colonel Seny Bangoura, Commander of the Alpha Yaya military camp in Conakry. The independent press reported several detentions in this case, but the Government did not announce any arrests or findings (see Section 1.c.).

The independent press reported that two detainees awaiting trial for murder and robbery in Telimele, Dian Oury Kante and Mahamed Diallo, died in custody in April. There was no investigation. Authorities confirmed that air force major Mamady Conde, detained in connection with the February mutiny, died in custody in Conakry in June. A prosecuting attorney said that Conde died from a diabetic attack. Conde's family called for an independent autopsy. The Government took no further action and announced no results.

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

Liberian rebels killed dozens of Guineans and Liberian refugees during border incursions (see Section 2.d.).

There has been no investigation into the January 1995 deaths of 16 civilian prisoners while in police custody. There has been no action on the case of the policeman arrested for killing a youth following a rally in Conakry in June 1995 or the action against two police charged for killing a civilian in June in Kissidougou. Government authorities also blocked separate efforts by human rights groups and nongovernmental organizations

to investigate political killings in the 1970's under then-president Sekou Toure and to protect victims' burial plots from urban encroachment.

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

b. Disappearance

In the months after the February mutiny, hundreds of soldiers and civilians disappeared during neighborhood sweeps conducted by unidentified members of security forces. After interrogations, dozens of soldiers were transferred to judicial authorities for legal proceedings related to the mutiny, and in August prosecutors released 63 detainees for lack of evidence. According to relatives, human rights groups, and the independent press, dozens--perhaps hundreds--of soldiers, civilians, and relatives of accused mutineers remained missing. The newspaper L'Independant reported that unidentified government authorities detained numerous relatives of alleged mutiny ringleader, Major Gbago Zoumanigui, missing since February and presumed to have fled the country. Most of Zoumanigui's family were released, but one relative, Baba Sarr, remained missing.

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. There were no reported judicial proceedings against officers suspected in these abuses.

Unidentified uniformed personnel used beatings, unsanitary conditions, and restrictions of food in secret prisons to obtain confessions from those suspected of involvement in the mutiny (see Section 1.d.).

Prison conditions are inhuman and life threatening. Family members and friends are responsible for feeding prisoners. Standards of sanitation remained poor, and there were several dozen deaths due to malnutrition and disease. Prisoners report threats and harassment by guards. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards.

The Guinean Organization for the Defense of Human and Citizen Rights (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 newly appointed Minister of Justice made televised visits to prisons in August and denounced the inhuman conditions. In June the Government authorized the creation of two nongovernmental organizations dedicated to ensuring prisoners' rights and prison conditions.

The Government occasionally permits prison visits by local human rights organizations.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code provides procedural safeguards for detainees. In practice, however, administrative controls over the police are ineffective, and security forces rarely follow the Penal Code; arbitrary arrest remained a persistent threat.

The Penal Code requires that detainees must be charged before a magistrate within 72 hours. Once 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.

From February through June, unidentified security forces detained hundreds of soldiers and civilians suspected of involvement in the February mutiny. Judicial authorities denied any responsibility for the arrests, yet took custody of dozens of detainees transferred by security forces. Bar Association attorneys, the independent press, and government sources described a parallel system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors.

In August a government prosecutor released 63 detained soldiers for lack of evidence. The Government had charged a total of 43 soldiers with murder, looting, armed robbery, and abandonment of post in connection with the February mutiny and detained the rest without charges. The Government said that three unnamed soldiers remained in custody while human rights groups, the independent press, and government officials credibly reported that hundreds of soldiers and civilians were being detained illegally and without charges.

In September 1995, police in N'zerekore detained between 200 and 300 activists from the Rally of the Guinean People (RPG) party, following the killing of a police officer during an RPG demonstration that turned violent. According to credible reports, some of those detained were suspected in the killing; hundreds of others were detained for being RPG members or sympathizers. Most were subsequently released without charge, throughout much of the year 35 remained in detention without charges. The 35 were detained in military barracks, but human rights groups hesitated to demand that the detainees be turned over to judicial authorities for fear that they would suffer greater harm under the inhuman conditions of state-run prisons. In October 1996 most of the 35 were released with no further punishment than time served.

In December 1994, members of the presidential guard arrested, beat, and detained the U.S. Embassy React Team--composed of four Guinean employees--who were responding to a call by an American citizen for assistance. The team was detained for 12 days until the four were released without being charged with a crime. No action was taken against the members of the guard who were involved, and the Government has not returned the equipment that the guards seized.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, the judiciary is susceptible to executive influence, particularly in politically sensitive cases. Magistrates are civil servants with no guarantee of tenure and are susceptible to influence by the executive branch. Judicial authorities often defer to central authorities in politically sensitive cases. Due to corruption and nepotism in the judiciary,

relatives of influential members of the Government are virtually above the law. The Cabinet appointed in July stated that it will pursue those who violate the law but avoid punishment due to judicial corruption, including autonomous Red Berets. By year's end, no action had been taken.

The Judiciary includes courts of first instance, two Courts of Appeal, and the Supreme Court, the court of final appeal. There is also a State Security court, but it has not met since the trial of those allegedly involved in a 1985 coup attempt. 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 tribunal following the February mutiny and transferred dozens of detained soldiers to the judiciary (see Section 1.d.). The Government announced in September the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees.

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 mutiny and the quasi-independent Bar Association started a permanent legal defense fund.

Defense lawyers for soldiers detained in connection with the February mutiny complained that they had difficulty obtaining permission to meet with their clients, that prison guards eavesdropped on their conversations, denied family visits for the detainees, and that the Government cut their clients' salaries up to 60 percent to pay for prison meals.

In addition to corruption and nepotism, the administration of justice is plagued by numerous other problems, including shortages of magistrates (who generally are poorly trained) and lawyers, and the outdated and overly restrictive Penal Code.

A traditional system of justice exists 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 a case may be referred 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.

Suspected criminals, notably thieves and rapists, are sometimes beaten to death by their victims or by others. Police authorities rarely intervene to rescue victims of vigilante justice.

The Government conducted a mid-year public awareness campaign on justice, using the government-controlled media to inform citizens of their rights. The campaign also included theatrical performances in French and in local languages to disseminate information on constitutional rights and judicial procedures.

The Government holds less than a dozen political prisoners. These 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.

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 and frequently detain private citizens at nighttime roadblocks in order to extort money. 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. Family members of alleged military mutineers reported harassment, arbitrary arrest, and searches.

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 official television and radio (RTG). 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 which 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 two weekly newspapers (*Le Lynx* and *L'Independant*) 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. French radio (RFI) is accessible on FM radio in Conakry and in September the Government authorized the FM transmission of Africa Number One, a private Gabonese radio station. Many Guineans listen regularly to foreign-origin shortwave radio and some Guineans have access to foreign television satellite broadcasts.

The Government has occasionally arrested journalists. In March the Government arrested the editor of *Le Lynx*, Souleymane Diallo, for publishing what authorities called falsification of an official document listing armed forces salaries. On March 28, a Conakry court declared Diallo innocent for lack of sufficient evidence; however, the Government prosecutor did not release him until April 2. Authorities arrested and convicted Diallo in 1995 for offending the Head of State after *Le Lynx* published a cartoon mocking one of President Conte's wives.

In May authorities arrested Le Citoyen's editor, Thierno Sadou, and in June its publisher, Siaka Kouyate, for publishing articles concerning the February mutiny and the theft of classified presidential documents. They were detained until August, when a Conakry judge convicted them for offending the Head of State and refusing to disclaim the article. They received a suspended sentence, a \$500 fine and the judge suspended Le Citoyen from publishing for 2 months. Le Citoyen resumed publishing in September.

On July 2, the Government deported Serge Daniel, an RFI correspondent and citizen of Benin, for disseminating negative news. Among other items, Daniel had filed a report announcing that nearly \$500,000 was missing from a Ministry of Health project funded by the U.N. Childrens Agency (UNICEF).

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 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." Public gatherings are legal only if the Government receives notification 72 hours prior to the event.

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 will threaten public order. They may hold event organizers criminally liable if violence or destruction of property ensues.

Students at the University of Conakry went on strike in April and May demanding an increase in their scholarship payments. As a result of the strike, the students' demands were partially met. During this strike, police broke up a demonstration and arrested 22 students and a journalist from Le Lynx. Le Lynx reported that its journalist was beaten in custody but later released. The Government released 13 of the students for lack of evidence and convicted 9 for inciting violence and destruction of property. They were sentenced to 18 months' imprisonment (which was suspended) and fined \$77 each.

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. In January the prefect of Kouroussa blocked two RPG National Assembly deputies from meeting in his district with party members. The RPG and human rights groups claimed that government authorities physically harassed Kouroussa citizens who did not vote for the government party, as well as RPG deputies traveling in Banankoro in August. The RPG and independent press reported that security

forces harassed RPG leader Alpha Conde with tear gas and tanks at his Conakry residence.

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. Foreign missionaries and church-affiliated relief agencies operate freely. The Government and the quasi-governmental 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, but have not restricted these groups.

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. It is common to pay bribes at these roadblocks.

The Government permits foreign travel, although it retains the authority to limit it for political reasons. The Government officially closed the borders during the December 1995 foreign ministers' meeting of the Organization of the Islamic Conference. In August commerce authorities restricted overland trade of some products in an effort to improve tax collection.

The Government cooperates fully with the United Nations High Commissioner for Refugees (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. In 1996 the Government provided first asylum for over 600,000 Liberian and Sierra Leonean refugees, including additional arrivals who fled renewed fighting in Liberia. There were no reports of forced return of persons to a country where they feared persecution.

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 government authorities have demanded portions of donated fuel and food from delivery convoys.

While the Government has generally been hospitable toward refugees, there have been reports that local police and border patrol soldiers harassed refugees and demanded bribes or sexual favors for entry into Guinea. In reaction to violent Liberian rebel incursions in the Macenta forest region, which resulted in the death of dozens of Guinean and Liberian refugees, the Government increased its armed forces along the Liberian border in July and fought Liberian rebels.

There were no reports of forced repatriation.

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. The scheduled 1995 legislative elections in Kissidougou and Kaloum- Conakry did not take place. During the April session of the National Assembly, a majority of deputies rejected the then Minister of Interior's efforts to appoint, rather than

elect, neighborhood councils; however, no elections were scheduled.

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, the Party of Unity and Progress, 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.

Women are underrepresented in the Government. The President appointed a new Cabinet in July and reduced the number of women who hold positions in the 23-member Cabinet from 4 to 2. The 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 nongovernmental organizations (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. Refugees from Liberia and Sierra Leone report that some Guinean soldiers demand sex in exchange for entry into Guinea. There are credible reports from prisoners that female inmates are subject to harassment and sexual assault by guards. The social stigma attached to rape prevents most victims from reporting it. The Government has not vigorously pursued criminal investigations of alleged sexual crimes.

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 women receive less inheritance. 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. According to a 1995 United Nations Development Program report, only 11 percent of females receive as much schooling as males and women constitute 38 percent of the labor force.

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.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, 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 Article 265 of the Penal Code and senior officials have spoken out against the practice. According to an independent expert, between 70 and 90 percent of females have undergone this procedure. Infibulation, the most dangerous form of FGM, is practiced in the Forest region. Despite efforts by proponents of women's rights to call attention to the practice, and in spite of diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continues, seriously affecting women's lives. 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), an NGO dedicated to eradicating FGM. An increasing number of men and women oppose the practice.

Prostitution exists in the informal economic sector and employs girls as young as 10. The Government takes prohibitive action if prostitution of minors is brought to its attention, but 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. Many disabled persons 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. Promotions to senior government levels and the highest military ranks below the President include representatives of all three major ethnic groups.

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 government employees, employees of the national utilities (electric, water, and telephone companies), or of 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, citing corruption in its leadership. These groups joined with some independent unions to form the United Syndicates of Guinean Workers.

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

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

Guinea's largest educators' union, SLECG, held a nonviolent strike in December 1995 to protest low salaries and poor benefits. The strike had wide participation in Conakry and several cities in the interior. High school students clashed with police and authorities arrested the union's Secretary General, Louis M'Bemba Soumah, and numerous union members. In January a Conakry court convicted seven union members for inciting violence and gave them 1-year suspended sentences.

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.

d. Minimum Age for Employment of Children

According to the Labor Code, the minimum age for employment is 16 years. Apprentices, however, may start at 14 years. 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 18 cannot be employed. In practice, enforcement by Ministry inspectors is limited to large firms in the modern sector of the economy. Children of all ages work on family farms, in small trades, and in the informal sector, such as street vending.

e. Acceptable Conditions of Work

The Labor Code provides for the establishment by decree of a guaranteed minimum hourly wage, but the Government has not yet 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 2.5 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 yet elaborated a set of practical workplace health and safety standards. Nor has it 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.

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