



U.S. DEPARTMENT of STATE

Guinea

Country Reports on Human Rights Practices - [2006](#)

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Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled this country of approximately 9.2 million persons since 1984, first as head of a military junta and, since 1994, as a civilian president. President Conte won reelection in December 2003 in an election boycotted by the opposition and criticized by international observers as neither free nor fair. The civilian authorities generally did not maintain effective control of the security forces.

The government continued to implement political and macroeconomic reforms begun in 2004, but serious human rights abuses occurred during the year. There were restrictions on the right of citizens to change their government. Security forces unlawfully killed, beat, and abused civilians, particularly detainees. Prison conditions were inhumane and life-threatening. Impunity of alleged perpetrators of killings and abuse remained a problem. There were arbitrary arrests, prolonged pretrial detention, and incommunicado detention. The judiciary was subject to corruption and executive influence. The government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and freedom of movement. Violence and societal discrimination against women, prostitution of young girls, and female genital mutilation (FGM) were problems. Progress was made in combating trafficking of persons, but the practice continued, as did ethnic discrimination, antiunion discrimination, and child labor.

The government took significant steps to improve freedom of the press by implementing a 2005 media liberalization decree and granting broadcast licenses to eight private radio stations. The government agreed to some electoral reforms proposed by political parties.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed political killings; however, security forces killed at least 15 persons during the year, and there were reports of deaths in custody due to torture, abuse, and neglect (see section 1.c.).

Police use of excessive force to control demonstrations and strikes resulted in deaths during the year (see sections 2.b. and 6.b.).

The government often considered killings by security forces to be "professional accidents", and instead of prosecution or sanction, transferred the perpetrator to another district. No legal or disciplinary action was taken against security force members responsible for killings during the year.

There were no developments in the following 2005 reported killings by security forces: the three killings by police during a student demonstration in Telimele in November or the July killing of a 19 year old student in Conakry.

There were no developments in the reported 2004 killings by police.

Government authorities continued to block efforts by human rights groups and Non-governmental organizations (NGOs) to investigate political killings that took place in the 1970s under then president Sekou Toure.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to vigilante violence. In March, in the Enta neighborhood of Conakry, the screams of a victim of attempted rape alarmed her neighbors, who caught the perpetrator and beat him to death. In late July residents in N'Zerekore beat, burned and stoned suspected criminals, killing between nine and 12. Several of the victims had been released from prison prior to serving their full sentences, while others had never been prosecuted; in both cases, the local community was frustrated by perceived corruption of local officials (see section 1.d.).

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions.

An investigation by an international NGO in Conakry's main prison revealed patterns of torture. Prisoners, including children, bore similar wounds and shared common stories. One prisoner lost his sight due to beatings. A student imprisoned on assault and battery charges was paralyzed due to beatings by security forces. Prison guards were suspected of torture in both incidents; however, no investigation took place by year's end. In September the Minister of Security issued a circular to all officers under his jurisdiction condemning torture and abuse, and announcing punitive measures against any persons found guilty of engaging in these practices. The government had not launched an investigation into police torture or prosecuted individuals allegedly involved by year's end.

During the June general strike, police went door-to-door and detained private citizens on suspicion of strike involvement. In at least one instance, a gendarme raped a woman after entering the home. The officer was never arrested and the case was not prosecuted. The victim gave several media interviews and although the story was in the local news, the government did not address the crime.

Police injured several persons while using force to disperse demonstrations during the year (see section 2.b.).

Unlike in the previous year, there were no reports that police beat journalists.

In January a newspaper reported the October 11, 2005 rape of Paulette Keita by a lieutenant in the gendarmerie. At year's end, the officer was not arrested or charged with any crime.

No action was taken against security forces responsible for reported abuses in 2005 and 2004.

Prison and Detention Center Conditions

Prison conditions remained inhumane and life threatening. Prisoners reported that guards threatened, beat, and harassed them. There were credible reports from prisoners that guards harassed and sexually assaulted female inmates. Toilets did not function, and prisoners slept and ate in the same space where they relieved themselves. Neglect, mismanagement, and lack of resources were prevalent. The basic diet for prisoners was inadequate, and most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for delivering food to those incarcerated and routinely confiscated food, which was seldom delivered to the intended beneficiary.

In Kankan, a woman sentenced to death was raped by the prison administrator and became pregnant. The woman remained in jail with the baby at year's end. In Mamou, a woman was raped by another prison administrator. She was transferred to the maximum security prison in Kindia. Neither of these administrators was punished. There are many reported cases where insufficient facilities for female prisoners prompted administrators to send women to work at the houses of prison or judicial officials where they were not paid for their work and were sexually exploited.

Standards of sanitation remained poor, which resulted in several dozen deaths due to malnutrition, disease, lack of medical attention, and poor conditions. Since January 1, 98 persons died in Conakry's prison, many as a result of malnutrition, poor medical treatment, and dangerous and unsanitary conditions. There was a decline in the number of deaths in prison from the previous year. The mortality rate nationwide of prisoners is approximately 20 percent.

Some prisoners exercised more power than the guards by controlling conditions and cell assignments, giving better conditions to prisoners who were able to pay.

The prisons remained severely overcrowded. Some prisoners reported sleeping on their knees because their cells were so small. The facility in downtown Conakry was built in 1950 to hold 200 prisoners but routinely held 1,000 prisoners or more. During the year, the prison held up to 1,280 prisoners. At year's end, there were 989 prisoners in this facility.

Although the Ministry of Justice administers the prisons, the facilities were managed and staffed by military officers and guards. There were reports that some prison administrators followed directives from their military superiors, even when they were in conflict with orders from the Ministry of Justice. Due to limited funds and personnel shortages, prisons were largely staffed by untrained "volunteers" who hope for permanent entry into the military. This system was difficult to manage and particularly vulnerable to corruption and abuse.

There were reports of prison escapes in Kankan, Labe, and N'Zerekore. Most prisoners were apprehended, but others remained at large. At least two prisoners who escaped in 2005 remained at large.

In most prisons, men and women were held separately, but juveniles generally were held with adults. There were 380 children below the age of 18 incarcerated. There were approximately 16 children who either were born in prison and lived permanently in the jails with their mothers or who had no alternative means of care. No provisions were made for children's food, clothing, education, or medical care in prison. The Ministry of Justice in collaboration with the NGO Association for the Support for Refugees and Displaced Persons in Detention (ASWAR-Guinea) constructed a new juvenile wing including recreational facilities housing 69 minors in Conakry's main prison.

At year's end, there were three boys below the age of 14 who were held in the Conakry prison with no legal representation. One boy had been detained for eight years on a petty shoplifting charge. An international NGO reported the prevalence rate of HIV/AIDS among

incarcerated minor boys to be as high as 50 percent, suggesting sexual abuse. Local and international NGOs were providing some food and legal representation to these boys.

First-time offenders were not separated from common criminals, pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population but were held in separate cells.

In practice political detentions rarely exceeded a few days, and these persons were generally extended more protections than other detainees because of the attention to their cases by NGOs and the media. In high profile detentions, the persons were often held separately from other detainees and prisoners, and access to them was unrestricted.

The government stated its commitment to address prison conditions and used public funds to initiate certain reforms. The minister of justice announced a new policy that allows suspects and detainees to have access to legal representation. The ministry made recommendations for improvements in prison infrastructure, but at year's end none have been implemented. National and international NGOs continued programs to improve the health of critically malnourished inmates.

The government permitted prison visits by Human Rights Watch (HRW) and the International Committee for the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported that without this assistance, those who did not have families or friends would have starved to death. The ICRC reported that it was allowed regular access to all 33 official detention facilities and 2,500 prisoners during the year. The ICRC continued to initiate partnership programs with prison and security authorities to improve prison conditions. In the overcrowded N'Zerekore prison, the ICRC established access to clean water and constructed a secured area to allow prisoners to go outside. In April and June, HRW conducted investigations of the country's prisons.

The government provided open access to prisoners and allowed interviews to be conducted outside the presence of prison guards or other government authorities. After the HRW report was published in August, the ministries of justice and security responded positively by addressing specific problems and proposing general reforms.

In July and August the minister of justice, himself a prisoner during the Sekou Toure regime, visited several of the prisons and pledged to improve prison conditions.

The government cooperated in the April and June visit by Human Rights Watch (HRW) to monitor the country's prisons. In its subsequent report, HRW noted that security forces routinely violated the inherent right to life, freedom from torture, freedom of expression and assembly, and the right to trial within a reasonable period. Security forces committed many of these violations, particularly in police stations, detention facilities, and prisons. HRW concluded that security forces used excessive and lethal force on unarmed demonstrators, killing at least thirteen. HRW emphasized the sense of impunity that exists, emboldening perpetrators and sustaining abuses.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention.

Role of the Police and Security Apparatus

The gendarmerie, a part of the Ministry of Defense, and the National Police, under the Ministry of Security, share responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. The Code of Penal Procedure permits only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well. A quasi police unit called the Anticrime Brigade (BAC), created to fight criminal gangs and bandits, operated in Conakry and in most major regions and prefectures. Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (see section 2.d.). There were no reported judicial proceedings against officers suspected of committing abuses. National and international NGOs conducted seminars to train security forces on human rights issues and conflict resolution techniques.

In September the Ministry of Justice initiated a five day national seminar that brought together judicial, prison, and security officials to address issues and make specific resolutions related to detention, proper procedures for arrest, the expanded role of defense attorneys, prison administration, and particular measures to fight against livestock theft.

Arrest and Detention

The penal code stipulates that the arrest of persons in their home is illegal between 4:30 p.m. and 6:00 a.m.; nevertheless, midnight arrests took place. The penal code also 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 were 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. Authorities frequently did not respect the provision of the law that provides for access by attorneys to their clients. Although the law proscribes incommunicado detention, it occurred in practice. Release on bail was at the discretion of the magistrate who had jurisdiction.

On January 19, police arrested and beat a school boy in Conakry for not stopping while the country's flag was being raised.

In February and June security forces detained hundreds of persons in connection with unruly protests during the two general strikes that effectively shut down the country. The large majority were almost immediately released. None of these persons remain in detention; the majority were released in two to three days (see section 2.b.).

On June 13, police raided the homes of several supporters of Sidya Toure's Union of Republican Forces (UFR) party on suspicion of inciting violence during the general strike. They detained at least nine UFR members for a week to 10 days. These individuals were not allowed access to attorneys and were released without being charged with any crime. Several report that after their release, they were repeatedly harassed by security officers and threatened in anonymous phone calls.

There were no further developments in the 2005 cases of the individuals who were suspected for involvement in the January 2005 assassination attempt on President Conte. Antoine G'Bokolon Soromou and Mohamed Lamine Diallo remained in self imposed exile. Approximately 60 individuals were detained and then released.

Gendarmes detained an unknown number of active and former military personnel for unspecified reasons. Credible human rights sources reported that the treatment of these detainees was not monitored by independent agents. In violation of the law, an unknown number of prisoners were held on army bases where virtually all contact was forbidden.

Prolonged pretrial detention was a serious problem. A prisoner advocacy organization estimated that approximately 80 percent of the prisoners in Conakry were awaiting trial. Based on the information of a prisoner advocacy group, only approximately 10 percent of the prisoners at Conakry central prison had been tried, while all others were in investigative detention. At times detainees remained in prison for more than 10 years without trial.

Seven military officers who were arrested in December 2003 for suspected coup plotting were still in prison awaiting trial at year's end. In January they were transferred from the central prison, where their families were able to visit regularly, to the maximum security prison in Kindia. Two prisoners, Abdoulaye Camara and Mohamed Diasy, reportedly served 10 years at the central prison without judgment or sentencing. The men were held in a cramped section of the prison where they were prevented from moving freely. At least one of them has suffered permanent paralysis as a result of prison conditions. Police arrested the men in March 1996 in connection with a burglary. One of them, Thierno Barry, has been in the Conakry central prison, without judgment or sentencing, since his arrest in 1991.

There were reports of a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture to obtain confessions before transferring detainees to prosecutors or in some cases, directly into prisons that were not under the jurisdiction of the government.

e. Denial of Fair Public Trial

Although the constitution and law provide for the judiciary's independence, judicial authorities routinely deferred to executive authorities in politically sensitive cases. In routine cases, there were reports that authorities accepted bribes in exchange for a specific outcome. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. In September, to spearhead a national effort to improve the administration of justice, the Ministry of Justice held a national seminar on detention and a training conference for bailiffs (see section 1.d.).

The judiciary includes courts of first instance, two courts of appeal, and the Supreme Court, which is the court of final appeal. The law provides for a parallel structure for juveniles. In practice the two courts of appeal for Kankan and Conakry that handle serious crimes barely functioned due to lack of resources and organizational problems, and many prisoners were detained for lengthy periods without trial (see section 1.d.). By law, the courts of appeal are supposed to hold a session once every four months. In practice, there were only two sessions held since 2000. On August 2, the appeals court met for the first time since 2003 and scheduled hearings for 171 cases. During the year, the juvenile appeals court convened for the first time since 1998. Prior to the September session, all minors who had gone to trial had done so within the adult system.

Trial Procedures

Trials are public, and juries are used for criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants have the right to confront and question prosecution witnesses and present witnesses on their behalf. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense.

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; however, these rights were not consistently observed in practice.

On October 10, Sekhounah Soumah, the elected Rural Development Community President of Tanene, interrupted trial proceedings at the court of first instance of Dubreka. He assaulted the judge and ordered the judge to stop the trial that was in session. On October 15, the minister of justice, Guinea's Association of Magistrates, and the Guinea Bar Association protested the interference in judicial proceedings. At year's end, Soumah, who has family ties to President Conte, was not punished for his actions and remained in office.

Although in principle the government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented 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 was vague, and authorities sometimes referred a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case was not resolved to the satisfaction of all parties in the traditional system, it could be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carried less weight (see section 5).

A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply. Civilians were not subject to military tribunals.

The state security court is composed of magistrates directly appointed by the president, and the verdict is open to appeal only on a point of law, not for the re examination of evidence.

Political Prisoners and Detainees

There were no reports of political prisoners; however, police detained members of political opposition parties during the year. The government acknowledged the existence of several temporary political detainees. Opposition parties estimated that there were over 50 temporary political detainees, and the majority of their arrests occurred during the June national strike.

Civil Judicial Procedures and Remedies

Under the law, there is a judicial procedure for civil matters. In practice, the judiciary was neither independent nor impartial, and decisions were often influenced by bribes and based on political and social status. There were no lawsuits seeking damages for human rights violations. In practice, domestic court orders were not enforced.

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

The constitution and law provide for the inviolability of the home and require judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. For example, during the June general strike, police went door to door in neighborhoods throughout Conakry, searching homes and private vehicles, and detaining private citizens on suspicion of involvement (see section 1.d.). In at least one instance, a gendarme raped a woman (see section 1.c.).

Although the belief that security forces monitored the mail no longer existed, many believed that they monitored electronic communications. Local businesses, including foreign companies, often complained that public officials and authorities intimidated and harassed them.

In some instances the government coerced membership in political organizations by conferring preferential treatment on those who were members of the majority Party of Unity and Progress (PUP). For example, the government has sometimes demoted or reassigned government employees who were known to be members of opposition parties because of their active political affiliation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of expression, and there were fewer arrests and detentions of journalists than in previous years; however, the government suspended four newspapers during the year.

The government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the president; incited violence, discrimination, or hatred; or disturbed the public peace or security. Sanctions included fines, revocation of press cards, imprisonment, and banishment.

In June, in the Nongo section of Conakry, security forces destroyed the market stalls of people who insulted the president when his motorcade passed.

The government published an official daily newspaper, the Horoya, and continued to operate official television and radio stations. The state owned media provided extensive and mostly favorable coverage of the government and ruling party; however, government media increased coverage of opposition activities and was more critical of the government officials on the local level.

In October the minister of information indefinitely suspended Ibrahima Sory Dieng, Horoya managing director, and Alhassane Souare, Horoya editor-in-chief, for not publishing President Conte's picture alongside the copy of his Independence Day speech. To date, the journalists have not regained their positions. Also in October the Director of Guinea's state-owned and operated Guinean Radio and Television suspended Ibrahima Ahmed Barry, a news producer, for failing to show images of key ministers engaging with the public. Barry remained suspended at year's end.

Private newspapers openly criticized the president and the government. There were 10 private newspapers published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, L'Espoir, was affiliated with the governing political party, and several other newspapers openly supported opposition

parties. Other newspapers offered news and criticism of both the government and the opposition.

In September the National Communications Council (CNC) announced financial subsidies of approximately \$71,000 (400 million Guinea francs) to 37 of 58 registered private newspapers, purportedly to encourage private media. Some observers believed it also was meant to encourage progovernment reporting.

Foreign publications, some of which criticized the government on a regular basis, were available both in print and electronic format. Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the government continued occasionally to criticize and harass print journalists.

The government does not permit media ownership by political parties and religious institutions but did not restrict programming on political and religious subjects.

The CNC suspended three newspapers for articles published that were considered libelous or nonfactual.

In August, for the first time in the country's history, private radio stations began broadcasting. With various formats initially focusing on music, commercial operators competed for listeners in this key sector. Radio remained the most important source of information for the public. During the year 12 rural and community radio stations continued operating. At year's end the government had accepted eight license applications for private radio stations; five were operational. Many citizens listened regularly to foreign origin short wave radio. At year's end the government continued to own and operate the only domestic television broadcast station. The government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

Boubacar Yacine Diallo, an independent journalist and newspaper editor, was chairman of the CNC until December. On December 22, Diallo was appointed as minister of information. The CNC played a pivotal oversight role in the new privately owned broadcast media. Each of the applications for radio operators was thoroughly reviewed by the CNC before being sent to the Ministry of Information for final approval. While at the CNC, Diallo initiated programs to increase professionalism in journalistic practice and implemented a requirement that journalists must meet higher professional standards to obtain press credentials.

Journalists were subject to arrest, detention, and harassment; however, there were fewer such reports than in previous years.

For example, in March Almamy Kalla Conte, a journalist at the Lynx Lance newspaper was detained by police for three hours while he was investigating thefts of steel railway lines.

The CNC suspended newspaper activities during the year.

In February the newspaper Les Echos was suspended for two months after printing an article critical of the former minister of territorial administration and decentralization.

In March the government refused to allow the magazine Jeune Afrique L'intelligent permission to distribute a weekly edition that featured a story reporting on President Conte's ill health and medical evacuation. The ban was temporary, and the magazine became freely available again later on. Until the ban was lifted, photocopies of the article, printed from the Internet, were available through street vendors.

In April the CNC suspended the journal L'Enqueteur for two months for publishing nonfactual information.

On August 22, the CNC suspended the newspaper Liberation for three months for its publication of "nonfactual information, biased reporting, and an article that was racist and discriminatory". All of these articles were critical of prominent persons in politics and business. On November 27, the CNC suspended the weekly newspaper Kaloum Express for two months for the publication of "words that damage the reputation of the Guinean State".

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was available for use by all citizens, but only a small minority of the population used the technology. Cost, literacy, and availability remained major constraints to use by a broad range of citizens.

Academic Freedom and Cultural Events

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum; however, teachers generally were not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law restricts freedom of assembly, and while the government generally allowed opposition meetings, it did not approve any applications for marches during the year. The penal code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The government requires a 72 working hour advance notification of public gatherings; otherwise the events are considered illegal. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. Police use of excessive force during the year resulted in the deaths of numerous demonstrators, including women and children. Police arrested numerous other demonstrators. No action generally was taken against the responsible police.

In January a celebration turned violent after the victory of the country's national football team. Youth clashed with police, and one person was killed when security forces fired into the crowd. Several persons were arrested and later released. No action was taken against the officer who fired the fatal shot.

On February 2, several students were arrested in Labe during a protest against poor living conditions. No injuries were reported. The students were released after being detained for a few days.

On February 21, riots erupted after the announcement of the new mayor of Gueckedou. During the demonstrations security forces fired into the crowd killing Yawa Suzanne Tolno, a mother of two, and Robert Millimono, a high school student.

Police forcibly dispersed two nationwide general labor strikes, resulting in deaths and injuries; the strikes were organized in accordance with law. In February a five day strike called by the interunion coalition of the National Federation of Guinean Workers (CNTG) and the Union of Workers of Guinea (USTG) effectively shut down the country after most workers in the formal and informal sectors stayed at home. The strike was relatively peaceful, although in at least two instances in Conakry security forces fired on demonstrators; following one of the two instances, Bangaly Sidibe was killed after being shot in the stomach. In another area of Conakry, at least one other person was shot and numerous other persons were seriously injured.

The June general strike was marked by significant violence. On June 12, when students learned they were unable to take their final exams and feared that they would not gain credit for the school year, they joined other persons who threw rocks, burned tires and cars, and destroyed property. Security forces responded with lethal force and tear gas to control demonstrators. The government reported that at least 11 persons were killed; however, local NGOs claimed that up to 21 persons were killed. There were at least 100 persons injured and hundreds more arrested, although most arrestees were released almost immediately and none remain in detention. On June 16, the government released a formal statement to the international community, listing the victims of June 12.

Two persons, Aly Camara, a 29 year-old mason, and Seydouba Camara, a 26 year-old driver, were killed in the Matoto area of Conakry. In the Dixinn area of Conakry, Mamadou Bailo Barry, a 17 year-old electrician, Mamady Camara, a 15 year-old driver, and an unidentified person were killed by security forces. There were four killings in the region of Labe. Mamadou Oury Balde, a 20 year-old student, Boubacar Barry, a 25 year-old baker, Boubacar Diallo, a 16 year-old driver, and Djibril Sylla, a 21 year-old driver, were all killed in clashes with police. In N'Zerekore, Moussa Toure, a 16 year-old student, and Bangaly Keita, a 27 year-old driver, were killed.

Investigations by journalists and human rights organizations identified two additional victims not included in the official government statement. Ousmane Kaba, an 18 year-old student, was killed in Conakry. Amadou Sow, a 14 year-old student in Labe, was killed in clashes with police.

The government promised thorough investigations into the killings; however, a formal report had not been released by year's end. No security officers were arrested or charged for their actions during the strike. NGOs reported that during their independent investigations, witnesses refused to disclose information, fearing government reprisal.

On December 3 and 4, at least 69 persons, including one woman and two imams, were arrested in Fria during protests about road conditions. Several of those arrested were local employees of the Russian company RUSAL, the aluminum corporation with mining and refinery operations in Fria. On December 7, many of the detainees were transferred to facilities in Conakry, and some were beaten while being interrogated. On December 14, the imams were released and on December 15, 10 RUSAL employees were released in Fria. On December 27 President Conte reportedly summoned the persons who were being detained in Conakry and instructed them never again to engage in violence and destruction of property. They were released the same day. At year's end, no persons remained in prison in connection with the incidents in Fria.

There were several protests during the year prompted by company cuts to family benefits by residents in the mining town of Kamsar. Many of the protestors were wives and family members of miners working for the Compagnie des Bauxites de Guinee (CBG). In December the protests became violent and on December 28, when the demonstrators clashed with police, one 12-year-old girl was killed by a stray police bullet. During this incident at least five women were injured. At year's end, at least 18 persons, mostly women, remained detained in connection with the incident.

The government reported ongoing investigations into the December 2005 incident in Kouroussa when security forces fired on a crowd, wounding three persons. No report was released. There were no investigations or arrests in the incidents reported last year in Kissidougou, Siguiri, Mandiana, Kerouane, Beyla, or Conakry during the December 2005 local elections.

There was no active investigation of the November 2005 killings in Telimele, the September 2005 injuries by military guards in Kouroussa, or any of the other forcible dispersions that resulted in deaths or injuries.

Freedom of Association

The constitution and law provide for freedom of association; however, the government infringed on this right in practice. The government imposed cumbersome requirements to obtain official recognition for public, social, cultural, religious, or political associations. Most of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the constitution before the government recognized them.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

As part of an October 14 cabinet change, the government issued a presidential decree that changed the Ministry of the Islamic League to the General Secretariat of the National Islamic League. The General Secretariat continued to represent the 85 percent of the country practicing Islam. Most of the Muslim population adhered to Sunni teachings and practices. Government support of the powerful general secretariat led some non-Muslims to complain that the government used its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the cabinet, administrative bureaucracy, and the armed forces. The General Secretariat oversees the choice of imams and prevented certain individuals who they believed were extremists or who did not support the General Secretariat's positions from becoming imams. The General Secretariat also monitored the messages broadcast in Friday prayer services by drafting and distributing the weekly sermons. The government refrained 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.

Societal Abuses, Discrimination, and Anti-Semitism

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance created strong societal pressure that discouraged conversion from Islam or land acquisition for non-Islamic religious use.

There were few Jewish persons in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights; however, authorities at times infringed on them. The government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints.

Police and security forces continued to detain persons at military roadblocks to extort money; however, there were fewer such reports than in previous years.

The law does not prohibit forced exile, but the government did not use it.

Internally Displaced Persons (IDPs)

Although the UN High Commissioner for Refugees (UNHCR), the International Organization of Migration, and the government reported that all IDPs were reintegrated, a 2005 Norwegian Refugee Council report indicated many IDPs had not returned to their former homes. Unlike last year, the IDP Consultative Forum was no longer active. Many IDPs, particularly those who have been deported from other countries, are reintegrated directly to their former homes without assistance packages.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system of providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice, the government provided some protection against refoulement, the return of persons to a country where they feared persecution. The government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Many positive developments in the area of refugee repatriation continued to occur during the year. The UNHCR accommodated all refugees desiring voluntary return to other countries from Guinea. The UNHCR and other international organizations also offered financial support for the rehabilitation of communities severely affected after 17 years of hosting refugees.

The country has been a place of refuge for asylum seekers from neighboring countries in conflict, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end, UNHCR and the National Bureau for Refugee Coordination estimated that the total refugee population left in the country was 31,450 persons, of whom approximately 70 percent were Liberians. With the success of assisted and voluntary repatriation, several refugee camps closed during the year. The government agreed to facilitate the integration of approximately 2,000 citizens of Sierra Leone who had chosen to remain in the country. By year's end, approximately 500 families received the proper documentation to complete this process.

During the year, the government also provided temporary protection to approximately 45 individuals of different West African nationalities

during the year who may not qualify as refugees under the 1951 UN convention or its 1967 protocol.

Like in previous years, there were reports of rape, assaults, and forced prostitution. The government reports these crimes are committed within the refugee population, generally by other refugees. Gender based violence remained a problem. Tension continued between host communities and refugee populations because of disparities in living standards. Economic decline in the country exacerbated situations where refugees received basic services and opportunities unavailable to citizens.

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

The constitution and law provide for a popularly elected president and national assembly; however, the government restricted citizens' ability to exercise this right. Political reforms resulted in some improvements during the year.

Elections and Political Participation

Despite openly acknowledged health problems, the president ran for reelection in December 2003, winning against a candidate who was virtually unknown. All major opposition parties boycotted the election, criticized by international observers as neither free nor fair. In December 2005 the government held nationwide elections, and 16 of 46 registered political parties, including all the major opposition parties, participated. According to official results, President Conte's ruling PUP garnered approximately 80 percent of the vote with certified victories in 31 of 38 municipalities and 241 of 303 local councils. The PUP and associated parties held 91 of the 114 seats in the National Assembly.

The local electoral process was characterized by both improvements over past practice as well as serious flaws. Positive developments included freer campaigning, a single ballot listing all parties, transparent ballot boxes, political parties represented at the polling stations, media coverage of events, and free access for national observers. However, the turnout was low, and there were significant irregularities and bias by officials towards the ruling party before and during the vote. These included government revision of voter rolls with limited oversight, exclusion of up to 50 percent of the opposition candidate lists, unequal provision and distribution of voter registration cards and identity documents, and susceptibility to cheating in the district level vote consolidations.

The government invited participation by the electoral commission, opposition parties, and civil society in the electoral process. In practice it retained control of most registration and election procedures, including the casting and counting of votes. Despite pressure from opposition parties to change the constitution to enable an independent electoral commission to have full responsibility for organizing all aspects of elections and reporting the results of the vote, the government retained responsibility for organizing the elections, with the electoral commission validating the final results.

With few local exceptions, the National Autonomous Electoral Commission was ineffective. Political parties were unsuccessful in gaining judicial relief in some cases of alleged malfeasance.

In July the government initiated a joint committee, comprised of majority and opposition political parties, to draft legislation for a new electoral commission, define the status of opposition parties, and establish procedures for party financing.

The law allows the president to run for an unlimited number of seven year terms. There were 46 legally recognized political parties; deputies of five different parties were represented in the National Assembly. Only one opposition political party, the Union for Progress and Renewal (UPR), which had 20 seats, participated in the 114 member National Assembly. All of the other parties represented in the National Assembly joined the PUP government party alliance. Legislative elections are scheduled for June 2007. Government employees are required to campaign for the ruling party in each election.

The president continued to hold the power to appoint governors, prefects, and subprefects to administer regions, prefectures, and subprefectures, respectively. Most of these officials were members of the PUP or parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central government.

Prefects and other local officials who were members of opposition parties found that higher level officials effectively blocked their authority. In some cases they were forced to join the ruling PUP party or lose their jobs. Those who continued their allegiance to opposition parties were relocated to different prefectures far from their home communities. To prevent risking their livelihood, others chose to remain uninvolved in politics.

Elected and appointed government officials continued to be disproportionately male. There were 20 female deputies in the 114 member National Assembly. There were five women in the 26-member Supreme Court. Four women held seats in the 30 member cabinet appointed in May. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women generally played a minor role in the leadership of the major political parties; however, Assiatou Bah was vice president of the UPR. The RPG named Fatou Bangoura to the post of political secretary.

Members of the three main ethnic groups (Soussou, Malinke, and Peuhl) as well as all smaller groups in the country (Gerze, Toma, Kisse, Koniake, and Mano) served in the National Assembly. The Supreme Court, cabinet, and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the president's ethnic group.

Government Corruption and Transparency

Corruption remained widespread throughout all branches of government. The president can overrule legislative decisions and did so in practice. Connection to the president or his powerful associates sometimes conferred exemptions from taxes and other fiscal obligations. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts lacked transparency.

During the year a committee was established to follow up on a 2005 World Bank report on corruption. Each ministry was tasked with creating an internal office to identify and address corruption as related to its duties. Using polling data gathered in 2003, the report identified government agencies widely viewed as corrupt by citizens. It also identified how corruption affected everything from commercial transactions to judicial decisions to civil service promotions. The report was released as part of a two day conference on corruption and was then presented during similar meetings throughout the country. Businessmen, government workers, and average citizens were among the hundreds of persons surveyed in the study.

The Commission to Combat Corruption within the Ministry of Economic and Financial Control is located within the Office of the President. A public complaints bureau to report corruption was located within the commission in Conakry, but communication and coordination between the commission and the Ministry of Justice remained weak. There was much discussion of corruption in the media, but little action was taken during the year. In November a delegation of government, civil society, and media representatives attended the annual conference of Transparency International.

During the year there was continued media attention on prominent businessman Mamadou Sylla and allegations that he had defrauded the government over a period of several years through business transactions between his company, Futurlec, and the government. In 2005 the prime minister ordered an audit into those transactions, which revealed Sylla owed millions of dollars to the government because of over-billing, double-billing, and other suspect accounting procedures. Sylla refused to open his company's books to the auditor, and he denounced the audit. Before any action could be taken, political allies of Sylla ordered a second audit, which found that it was the government that owed Sylla several million dollars. The IMF added the resolution of this issue as one of the conditions of the country regaining a formally funded program. In July the government ordered a third audit to reconcile the two previous findings. In November the findings were released, but were inconclusive. Also in November, the government began legal proceedings against Sylla and others who were accused of embezzling state funds. In December Sylla and another former minister, Fode Soumah, were jailed for violation of court orders. After approximately one week in prison, they were released, apparently due to extra-judicial influence by President Conte; however, the legal proceedings against them continue.

For the first time in the country's history, the national budget included line items for every expenditure during the year. Each ministry was required to submit justifications for projected spending. The draft budgets were presented to the National Assembly which used its discretionary powers to determine the various funding levels. This budget exercise was designed to increase transparency in government processes.

There is no law providing free access to government information. Most government information is not available to the public, and there is no mechanism to request it formally. The government did provide free official information in the government run press and through limited publications.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A number of local and international NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them and that they often met resistance when trying to investigate abuses or engage in civil education.

Various government officials continued to block private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. The Association of Victims of Camp Boiro was forbidden to establish a museum focusing on human rights in the former location of the prison where political detainees were tortured and killed.

The government facilitated visits by international human rights organizations and fully cooperated with prison monitoring by the ICRC and HRW during the year.

In 2004 the National Directorate for Human Rights and Fundamental Liberties was created within the Ministry of Justice; no personnel have yet been appointed. A human rights office also exists within the Ministry of Defense. Although in previous years, the Office of International Humanitarian Rights, in conjunction with the ICRC, conducted human rights seminars during the year to teach military and security personnel about human rights recognized by international and regional agreements, there were no reports of activities during the year. A similar office related to human rights exists within the Ministry of Security, but it remained relatively inactive during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the government did not enforce these provisions uniformly. Violence and discrimination against women, FGM, trafficking in persons, and discrimination against ethnic minorities were problems.

Women

Domestic violence against women was common, although estimates differed as to the extent of the problem. Due to fear of stigmatization

and reprisal, women rarely reported abuse except at the point of divorce. Wife beating is not addressed specifically within the law. Assault in general carries a penalty of up to two years in prison and a fine from \$9 to \$36 (50,000 to 200,000 francs). If the assault is premeditated, the prison time increases from two to five years in prison and a fine of \$18 to \$54 (100,000 to 300,000 francs) and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes, and few perpetrators were punished.

Although rape is a criminal offense, in practice spousal rape is neither punished nor regarded as a criminal offense. Social beliefs prevented most rape victims from reporting incidents of rape. Local NGOs and government representatives reported that sexual assault increased during the year. According to a doctor at the central public hospital in Conakry, victims of sexual assault constituted 20 percent of all cases in the hospital. Many of these assaults were perpetrated by a person the victim knew and often took place at school; more than half the victims were young girls. Several local NGOs worked to increase public awareness of the nature of these crimes and promote increased reporting. The authorities were reluctant to pursue criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups, and the country had one of the highest rates of FGM in the world. FGM is illegal and carries a penalty of three months in prison and a fine of approximately \$18 (100,000 francs), although there were no prosecutions during the year. Senior officials and both the official and private press spoke against the practice. FGM was performed on girls between the ages of four and 17, but exact figures on this procedure were difficult to establish. 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 continuing decline in the percentage of women and girls subjected to the worst forms of FGM. The CPTAFE estimated between 60 and 65 percent of girls were subjected to FGM. Another international NGO, TOSTAN, estimated 95 percent of girls were subjected to FGM.

Infibulation, the most dangerous form of FGM, was still 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 continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection, since unsterilized instruments were shared among participants.

The government continued efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. The government continued its plan to eradicate FGM, and government ministers, health officials, and the media discussed FGM more frequently, but there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure. During the year the CPTAFE held large public ceremonies 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 performed FGM opposed its eradication since the practice was lucrative. CPTAFE stressed the health consequences of excision while supporting the customary observance of the transition to womanhood through traditional dances and songs.

TOSTAN was successful in bringing together communities that traditionally intermarry to combat FGM. Recognizing traditional practices that encouraged FGM, the NGO helped establish binding social contracts where families agreed that they would accept a woman who had not undergone this procedure as an acceptable wife for one of their sons. This coordinated approach made it possible for thousands of families to immediately end this practice. In December over 150 communities in the center of the country made a public declaration to end FGM and underage marriage.

Although the government made regular statements in the media against sexual harassment, it is not against the law. Women working in the formal sector in urban areas complained of frequent sexual harassment, and it was not penalized by employers.

The law provides for equal treatment of men and women. The Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over female heirs. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. The government affirmed the principle of equal pay for equal work, although in practice women received lower pay than men.

In August, to commemorate National Women's Day, the government unveiled its strategy to implement its 2007 to 2011 action plan to institutionalize women's empowerment.

Children

The law provides that the government should support children's rights and welfare, and the government allocated and spent a significant percentage of the budget on primary education. The minister of youth and the Ministry of Social Affairs were tasked by the president to defend women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, continued to work.

Government policy provides for tuition free, compulsory primary school education for six years, but enrollment rates were low due to additional school fees and lax enforcement of laws mandating school attendance. The net primary enrollment rate (NER) was the ratio of official school age children enrolled in primary school to the total population of children of official primary school age, as defined by the national education system. The total NER for the 2005-06 school year was 63 percent; for girls, the NER was 57 percent. In rural areas, the total NER for the 2005-06 school year was 49 percent; for girls it was 42 percent. Gender equity was one of the main goals of the government plan, Education for All. Girls had equal access to education and the increase in girls' school enrollment was a result of several

government programs to increase access to school and to promote girls' education.

Child abuse, particularly sexual assault, was a problem. Girls between the age of 11 and 15 years were most vulnerable and represented 55 percent of the victims. During the year, a pastor in Conakry reportedly raped at least eight girls. He was arrested and charged with rape and assault. The pastor reportedly paid officers of the court as well as security officials to influence the process. He was found not guilty and released from police custody. At year's end, the pastor remains in his position. In 2005 a teacher raped a nine-year-old girl in Sangoyah. The teacher's salary was reduced by 20 percent with this amount being paid to care for the victim. The perpetrator pled guilty, was released from prison, and returned to his teaching job.

FGM was commonly performed on girls (see section 5, Women).

The legal age for marriage is 21 years for men and 17 years for women. Although there were no official reports of underage marriage, it allegedly was a problem. Parents contracted marriages for girls as young as 11 years of age in the Fouta and Forest Regions. The CPTAFE, in conjunction with the government, local journalists, and international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

There were reports that girls were trafficked for prostitution and boys and girls for other labor (see section 5, Trafficking and section 6.d.).

The International Rescue Committee and UN Children's Fund (UNICEF) reported that children living in foster families often did not receive adequate food, shelter, and clothing and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Trafficking in Persons

Although the law prohibits trafficking in persons, the country was a source, transit point, and destination point for trafficking. The law carries a penalty of five to 10 years' imprisonment and confiscation of any money or property received as a result of trafficking activities.

Some NGOs reported that women, men, and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas, mainly from the poorest areas in upper Guinea, to urban centers was more common than international trafficking. As NGOs and the government increasingly recognized trafficking within the country, more emphasis was placed on this practice in the national awareness campaign by UNICEF to combat trafficking. Accurate statistics were difficult to obtain because victims did not report the crime.

Some children were trafficked for forced labor in agriculture and diamond mining camps and for household work in Conakry. NGOs claimed that the country was frequently a transit route for a West African trafficking network because fraudulent passports can be easily obtained and no visas are required for local nationals to travel to certain North Africa countries. From these nations, children were then sent to destinations in Europe.

Girls under the age of 14 were involved in prostitution. The government did not take action when prostitution of minors was brought to its attention, and it did not actively monitor child or adult prostitution.

The ICRC reported that trafficking of children was a problem among repatriates from Sierra Leone and Liberia, some of whom hoped to gain advantage from reunification projects intended to reconstitute families separated through war (see section 2.d. Refugees).

In July a girl was kidnapped and trafficked to a village in Macenta Region to be exploited as a domestic servant. The police returned the seven-year-old girl to her grandmother. The perpetrator was identified, arrested, and the case turned over to the Ministry of Justice.

In November police rescued 14 Sierra Leonean women and their babies in Conakry and placed them in a safe house run by a local NGO. They were victims of a trafficking network that was planning to send them to Holland. At year's end, no suspects were arrested.

There were no developments in the 2005 case of the Malian woman accused of trafficking; she was turned over to the Ministry of Justice but deported rather than prosecuted. There were no developments in the 2004 case of a Sierra Leonean child trafficking ring.

The Interministerial Committee to Combat Trafficking in Persons was created by the government to better coordinate their antitrafficking efforts. In February this committee was expanded to include representatives from other ministries and national and international NGOs working to combat trafficking. The new structure, the National Committee to Combat Trafficking in Persons, has 30 members, including representatives from the Ministry of Social Affairs and the Promotion of Women and Children, and the ministries of cooperation, justice, security, foreign affairs, education, youth, fishing, health, information, and tourism. The committee held educational seminars during the year, including a July 24 workshop to evaluate the conformity of the country's action plan with the Economic Community of West African States (ECOWAS) standards. The committee concluded that because there is a national action plan, the country was in compliance with its adoption of ECOWAS standards and that significant progress had been made in prevention and awareness. Efforts to draft and ratify antitrafficking legislation were underway along with programs to strengthen law enforcement capacity. However, while certain projects focused on victim protection, lack of funding prevented more effective work, particularly repatriation, accompaniment, and case follow up. The committee emphasized the need to focus on prosecution of traffickers.

In June 2005 the government signed a bilateral agreement with Mali to combat child trafficking. In July 2005 the government signed a multilateral agreement with nine nations in the region to increase cooperation, harmonize antitrafficking legislation, and exchange

information.

Persons with Disabilities

The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. In practice there were no official reports of societal or governmental discrimination against person with disabilities. The government had not mandated accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector; some worked in the informal sector in small family run businesses, and many lived by begging on the streets.

In 2005 the government, in cooperation with an international donor, launched a national civic education program that included persons with disabilities as well as persons with HIV/AIDS. One of the programs for persons with disabilities was staged at the School for the Deaf of Conakry. The program, in American Sign Language, explained concepts of citizenship, nationality, and equal participation.

National/Racial/Ethnic Minorities

The country's population was ethnically and regionally diverse. The Peuhls were the largest ethnic groups (approximately 40 percent of the population), followed by the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). There were several smaller ethnic groups in the Forest Region. Each group spoke a distinct primary language and was concentrated in a distinct region: the Soussou in lower Guinea, the Peuhl in middle Guinea, and the Malinke in upper Guinea. Conakry and other large urban areas such as Kankan and the Forest Region were ethnically heterogeneous.

While the law prohibits racial or ethnic discrimination, ethnic identification was strong.

Mutual suspicion, both inside and outside the government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was widely perceived as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases. The UPR's main base was the Peuhls, while the RPG's main base was the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the Forest Region were sources of local political tensions that sometimes erupted into violence.

Unlike last year, there were no reported cases of interethnic conflict or violence.

Other Societal Abuses and Discrimination

Discrimination against homosexuals is not prohibited by law, but there are no discriminatory laws based on sexual orientation. Although there were deep social, religious, and cultural taboos against homosexuality, there were no official reports of discrimination against homosexuals.

There have been reports that various hospitals in the country have refused to treat patients with AIDS; hospital workers feared contracting the disease.

Section 6 Worker Rights

a. The Right of Association

The law and constitution provide for the right of employees, except for military and paramilitary personnel, to form and join independent labor unions, and this right was respected in practice. The labor code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Although labor statistics were inadequate, approximately 160,000 workers were reportedly unionized, including approximately 65,000 government workers and members of the National Federation of Guinean Workers (CNTG), the government union. CNTG reports they also have identified over 40,000 sympathizers who have not paid dues. The largest independent union, Union of Workers of Guinea (USTG), claimed 69,500 members, including over 20,000 women. During the year five unions remained active.

During the year, for the first time in the country's history, unions formed a joint coalition to fight for workers' rights. The leaders of the two largest unions coordinated their efforts in planning the two general strikes that were observed by the majority of the country's population. Both strikes were undertaken in compliance with the law, with the unions providing adequate notice of their intention to strike. Police use of excessive force to control demonstrators in favor of the strike resulted in numerous deaths and injuries (see section 2.b.)

The CNTG-USTG labor coalition succeeded in forcing several government concessions for union members, including higher salaries and increased benefits for government employees, formalizing the employment of contract teachers, and allowing union representatives to take part in government decisions on fiscal and monetary issues. The unions also secured benefits for workers in the informal economy, including a reduction in the fixed price of rice and an agreement that any increase in fuel prices must be accompanied by other measures to provide a safety net for all citizens. On March 3, the government and unions signed a protocol of agreement that ended the first national strike.

The union coalition called for the second strike after the government did not comply with the terms of the protocol. The June strike was suspended with the June 16 signature of a memorandum of understanding establishing new criteria and deadlines for the government to meet. To date, the government has not complied with its terms.

In August the union of builders of public works secured a 120 percent salary increase after a successful collective negotiation. In the private sector, employees of gold and bauxite mining companies obtained significant increases in salary and benefits after the employers implemented similar measures adopted in the agreement between unions and the government.

During the year the government targeted labor leaders. On May 26, an armed person affiliated with the security apparatus was detained after a reported assassination attempt on USTG President Ibrahima Fofana. He was detained a short time and released.

In Boke, during the June national strike, the prefectural director of education was threatened with professional sanction for his leadership of striking teachers.

There were reports that police clashed with workers demanding benefits and that the government pressured teachers to resign.

Although the law and constitution prohibit antiunion discrimination, in practice, particularly at regional and prefecture levels, unionized labor at times faced strong opposition from government officials. Government officials were often selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers and often viewed unions as an enemy of the government. As a result union members in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. 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. In practice this court did not convene during the year and any cases were referred to the Ministry of Labor for arbitration. In the interior, civil courts heard labor cases.

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, and workers exercised this right in practice. The law protects the right to bargain collectively concerning wages and salaries without government interference, and employers established rules and hours of work in consultation with union delegates. There are no export processing zones.

The law grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike, but strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. By law, arbitration is by consensus and is executed through the Office of the Inspector General of Work within the Ministry of Labor. In practice, however, employers can impose binding arbitration. The law prohibits strikes in essential services, including hospitals, police, the military, transport, radio and television, and communications. There were reports that government officials offered better positions and political posts to members of labor unions in exchange for ceasing strike activities.

Some internationally funded NGOs experienced labor disputes with local employees that were often contrived. There were documented accounts of government officials who sought bribes from, harassed, or otherwise threatened expatriate officials for these alleged labor infractions.

c. Prohibition of Forced or Compulsory Labor

Although the law specifically prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see sections 5 and 6.d.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor. Violations carried a penalty of six months' to five years' imprisonment and a fine of approximately nine dollars to \$67 (50,000 to 382,500 francs). The government did not enforce this provision in practice.

d. Prohibition of Child Labor and Minimum Age for Employment

The general labor code has specific provisions that pertain to child labor; however, child labor was a serious problem. By law 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 10 consecutive hours, or on Sundays. The labor code also stipulates that the Minister of Labor and Social Affairs maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy.

Overall, approximately 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. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sector areas of subsistence farming, small scale commerce, and mining.

Girls as young as age 14 engaged in prostitution (see section 5). The worst forms of child labor were found in the artisanal mining sector, where children hauled granite and sand for little or no money.

Many young Muslim children sent to live with a Koranic master (marabout) for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. If the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board or simply used the child as a cheap source of domestic labor (see section 5).

There were reports that forced and compulsory child labor occurred (see section 5).

The government has spoken out against child labor but lacked the resources, enforcement mechanisms, and legislative will to combat the problem. As a result child laborers did not have access to education or health care and suffered from chronic malnutrition, traumatic stress, and depression.

e. Acceptable Conditions of Work

The labor code allows the government to set a minimum hourly wage; however, the government has not exercised this provision nor does it promote a standard wage. Prevailing wages often did not provide a decent standard of living for a worker and family.

The labor code mandates that regular work should not exceed 10 hour days or 48 hour weeks, and it also mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least two workdays per month of work. There also were provisions in the law for overtime and night wages, which were fixed percentages of the regular wage. In practice the authorities enforced these rules only in the relatively small, modern, urban sector. Little evidence showed that the government monitored employers' work practices or sanctioned them for failure to follow the law.

Working conditions were worse in the private sector, excluding banking, insurance, and other similar institutions. Employees often were fired if they joined a union (see section 6.a.).

The teachers' union reported that working conditions were deplorable. Teachers' wages were extremely low and not always paid on time, if they were paid at all. In some cases teachers went six months or more without salaries. Local Ministry of Finance employees charged with administering teacher pay allegedly withheld the salaries and used the funds for personal business. Some teachers lived in abject poverty, reporting to work without shoes and even the minimum requirements to do their jobs. These conditions were a major factor in the strike. On June 28, an agreement on teachers' compensation was signed by President Conte. To date, negotiations continue on the implementing regulations.

The labor code contains general provisions 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 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. Enforcement efforts were sporadic. Labor inspectors acknowledged that they did not have adequate resources to cover even Conakry, much less the entire country.

Under the labor code, workers have the right to refuse to work in unsafe conditions without penalty; however, many workers feared retaliation should they refuse to work in unsafe conditions.