

Country session: Guinea
Date of session: 14th and 15th January 2019

Background information

[OHCHR press release](#)

Webcast: [First part](#) and [second part](#)

Audio file: (pending)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	17 th December 1998

CRC	
No. of report	3 rd to 6 th
Due date	1 st September 2017
Submission	28 th August 2017

Written replies	
Due date	<u>12th October 2018</u>
Submission	<u>16th November 2018</u>

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> • COLTE (CRC-OPAC-OPIC) • Human Rights Watch • Child Soldiers International
NHRIs	

State delegation

The delegation was headed by Ambassador Sem Aly Diane and supported by Mr Aboubacar Sidiki Camara, legal advisor of the ministry for social action, women's advancement and childhood, Mr Sékou Konate, national director for childhood, Mr Akoye Guilavogui, head of the childhood protection division, Mr Salia



Traore, permanent secretary of the Guinean committee for the monitoring of child rights, Mr Oumar Fofana, member of the Guinean committee for the monitoring of child rights, Mr N’Faly Sylla, president of the juvenile court, and Mr Sékou Soumah, financial attaché and consular to the permanent mission to UNOG.

Committee’s Task Force members

Name & Last Name	Country
Suzanne Aho Assouma (Coordinator)	Togo
Bernard Gastaud	Monaco
Luis Ernesto Perdernera Reyna	Uruguay
Mikiko Otani	Japan

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was open and amicable. Both parties expressed gratitude for the honest manner in which the discussions took place. Guinea assured the Committee that they were not here to defend their texts and policies, but rather to learn how to improve the situation of children in their country.

ii. General assessment made by the Committee

The Committee noted the legislative reforms that have occurred in the country, and said that progress has been made, but pointed out that the State was still not meeting its obligations under the CRC in light of the urgent needs of children. They commended the State for its efforts but noted that they would like to see more being done for the effective implementation of strategies and for the pending codes and revisions to be adopted. They also encouraged a greater allocation of the budget to key areas such as health and education. Areas of particular concern included child labour in mining, child prostitution, child trafficking and sexual violence, access to health services and birth registration.

iii. Main issues discussed:

- **General Measures of Implementation:**

The Committee understood that the Childhood Code is being revised, and asked the State party whether it has been adopted or if it was still in the process of being enacted. They also recommended the adoption of the pending bill on human rights defenders, with inclusion of the special protection required by children human rights defenders, and asked if civil society had been involved in its drafting. The State responded that the Childhood Code had been reviewed and was awaiting its second reading by the National Assembly. Furthermore they explained that the human rights defenders bill was an initiative from civil society and that it had not yet been debated by the National Assembly.

The Committee also asked for further clarification on national coordination and whether a national coordination unit will be appointed, as the coordination powers of the National Office for Childhood Matters are limited. The Committee requested more information on national plans including their status of implementation, and how they are coordinated to ensure children’s rights are met. The Committee expressed concern about disparities in the budget allocation, pointing out the inability to trace allocations for children’s rights, and asked if studies were being carried out to check the efficiency of budgetary allocations.

The Committee welcomed the establishment of the data collection system and asked if a comprehensive system would be expanded to collect disaggregated data covering the CRC and its optional protocols, in order to design and monitor efficient policies. The State responded that they were seeking to establish an interconnected data collection



system, working with community leaders – an approach they are adopting more generally to implement mechanisms and combat issues.

Regarding independent monitoring, the Committee asked if the NHRI is fully operational and resourced, whether it will seek GANHRI accreditation and if the NHRI or Ombudsman can receive complaints from children, as none had been received so far. Furthermore they asked what measures were being taken to disseminate knowledge of the Ombudsman and the CRC, including if translation into local languages was complete and how illiterate people were reached. The State Party responded that the NHRI is an independent body which is in line with the Paris principles and that they were working with the UN to ensure its efficiency. They shared concern that no complaints have been received from children and admitted cooperation with partners and greater efforts are needed to raise the profile of the institution.

- **Definition of the Child:**

The Committee pointed out a contradiction between the 2008 criminal code – which allows for childhood marriage with parental consent – and the updated 2016 code, and asked how this flaw would be addressed, as childhood marriage is not in the best interest of the child. Furthermore they asked if the State has data on the scale of child marriage, if there is a clear budget allocation to combat it and whether there is a campaign to disseminate information and a public policy to ensure marriages occur only within the frame of the criminal code. The State responded that an AU campaign and a five year national implementation action plan had been launched to combat child marriage and that currently a national strategy is being developed. Furthermore they explained that the age of marriage is clearly set at 18, except in certain legitimate cases, on which a judge rules.

- **Best Interest of the Child:**

The Committee asked if the principle is applied in all areas concerning children, including juvenile justice and alternative care, and in particular when developing legislation and policies affecting children.

- **Right to be Heard:**

The Committee asked for clarification on the functioning and selection of the Children's Parliament, as well as what budgetary allocation it receives. They asked whether there were other means for children to participate and give input and how this right is supported by the state. The Committee asked what was being done to ensure children's right to participate is respected in all other realms, in particular in light of traditional family norms. The State Party responded that children were able to participate, citing as an example the child takeover of the presidency during the International Day for Girls. They explained the mechanism of election of the 114 members to the Children's Parliament and gave examples of some of its positive impacts.

- **Non-discrimination Principle:**

The Committee asked if the government has a plan to develop a comprehensive strategy to address all types of discrimination (against LGBTIQ+, albinism, non-circumcised girls, etc.). They also expressed concern about gender equality in the inheritance laws of children born to unmarried parents and stigmatisation of children born out of marriage. The State party explained that discrimination in inheritance rights has been eradicated through the revision of the Civil Code.

- **Right to life, survival & development:**

The Committee asked if the State party had data on and was studying the phenomena of infanticide. They also requested more information on the status of the abortion law. They asked the State party what programmes are in place to raise living standards, as a high poverty rate persists as does the issue of street children.

- **Birth registration:**

The Committee acknowledged the efforts being made by the state but pointed out that the issue of birth registration remains unresolved. They inquired as to the obstacles, including costs and access to registration services, and asked if the government was conducting awareness raising campaigns and allocating funds to resolve this issue. The State party responded that amendments to the Civil Code mean that now either one of the parents can register the birth of the child. They noted that a national program was in place to ensure registration and the modernisation of the



system, in collaboration with mayors and also that a collaboration with the health services was being developed to track and ensure registration in health centres.

A further issue raised was that of the waiting time to receive the birth certificate, which, the Committee suggested could lead to families never receiving the certificate. They ask what measures are being taken, including to address the regional disparities. Concerns were also raised about counterfeit certificated, and identity cards, being sold. The State party shared these concerns and said they were wanting to tackle this issue of counterfeit documents. Furthermore, they explained that because of the geographical isolation of certain areas, families are given six months to register births.

- **Civil rights and Freedoms:**

With regards to the right to a nationality and identity, the Committee remains concerned that reforms to the Civil and to the Childhood Codes are not sufficient to meet international standards and obligations. Obstacles preventing children from acquiring nationality prevail and the Committee asked the State party what steps are being taken to amend this situation. The State party explained that amendments were made to improve the situation of statelessness, including through the Childhood Code which gave the right for children born in Guinea or born to a Guinean parent to acquire nationality, and that any child without identified parents was automatically granted citizenship. In regards to leisure and culture, the State party explained that there are activities such as excursions, creative activities and clubs organised in schools and that the entire month of June is dedicated to cultural activities.

- **Family environment:**

The Committee raised the issue of foster care and state institutions, asking how much money is invested in these, what the procedure is to select host families and how they are monitored and supported. Furthermore they asked if there is a system in place for national and international adoptions, such as a national adoption agency. The State party responded that international adoption is currently suspended and changes being brought about in the adoption procedure following its examination and identification of flaws and that they were currently in an experimental phase of developing a host family system. A further query raised by the Committee concerned the imprisonment of children with their mothers, to which the State responded that in such cases, provisions are made and if need be children are taken into the care of the social services, in compliance with the provisions of the African Charter on Children's Wellbeing.

- **Juvenile justice:**

The Committee recognised the reform of the judicial system to address issues of access and detention, however they indicated this remains insufficient. They highlighted the lack of child-specialised detention centres and courts, as well as issues of overcrowding, malnutrition and ill-treatment in detention. They asked how free legal advice and a national juvenile justice system were ensured. The State party put forward the 2015 reforms of the justice system, including the appointment of juvenile judges and the raising of the age of prosecution to 13. They highlighted that 2/3 of children are given alternatives to incarceration, that children were imprisoned in separate cells to adults in the central prison in Conakry because of a lack of child detention centres and that there are police trained in dealing with children. The code of criminal proceedings states that a legal aid office is present in each court of first instance, but this is a challenge to implement due to a lack of budget, the State party explained.

- **Violence against Children:**

The Committee raised concern about violence against children including corporal punishment, violence in schools, the practice of FGM (in particular its medicalisation) and sexual abuse. The Committee asked the State Party what actions were being taken to reduce violence against children, such as awareness raising campaigns or dissemination of information in local languages, as well as what care and rehabilitation measures were in place for victims. In particular they asked for clarifications on the legality of corporal punishment and whether the law allowing parents to give 'corrections' would be amended to tackle the issue. The Committee also asked what was being done to prevent, neglect and ill-treatment, in particular in state institutions. The Committee expressed concern about wide spread sexual abuse of children, including of girls working as domestic helpers. They asked if it is a priority of the state to receive and process complaints of sexual exploitation, if they have statistics and what support or rehabilitation was in place for victims. Furthermore they asked if a helpline was available. The State Party responded that through the



adoption of the childhood code, corporal punishment will become a crime. Furthermore, they explained that children victims of sexual violence are referred to support centres, although these are not available across the country, and that perpetrators of sexual abuse online are currently being prosecuted.

- **Health:**

The Committee expressed concern about the budget dedicated to health services being lower than the WHO aim as well as the lack of qualified workers in certain prefectures. The Committee also expressed concern about the lack of studies and figures on fistula and the high rates of infant mortality caused by avoidable issues, including malaria which it qualified as endemic – they asked what action is being taken. The State party clarified that there are two centres which provide free of charge care for cases of fistula. Furthermore they presented the 2015-2020 National Health Plan which aims to provide basic health services for all, the funding for which is currently being developed and a section of which is dedicated to mother and child health. Some of the State's key health issues include vaccination and other preventive measures, pre-natal consultations and family planning. The State party highlighted some of the challenges facing the health services including misinformation surrounding vaccinations and the lack of use of community care services; in response to these they said they were trying to change mind-sets and behaviour. The State has identified vulnerability criteria in order to efficiently tailor their policies.

The Committee also pointed out the high rates of malnutrition, despite progress made, and asked what was being done to ensure children have access to food and water, as well as sanitation. In terms of mental health, they asked if there are qualified staff, in particular to support children using drugs. They asked what was being done to meet UN-Aids targets and how children affected by HIV-Aids are supported. The State party answered that there was a follow-up mechanism via reference centres and that care was provided free of charge for children affected by HIV-Aids and HIV-Aids orphans. In terms of drug use amongst children, they noted that addiction was a reality and that special services are available to combat this, including social workers and civil society organisations that work on reintegration. There is also a special police unit to combat the sale of street drugs and counterfeit pharmaceutical drugs that they noted have real health consequences.

- **Education:**

Concern was raised by the Committee about low enrolment and high drop-out rates, inadequate infrastructure, and the lack of resources such as textbooks. Furthermore, they highlighted that children with disabilities are excluded from school because of a lack of awareness, qualified staff and infrastructure. The Committee expressed concern about segregation and lack of inclusion of children with disabilities in society. The State responded that inclusive education was one of the main pillars of education, and that they are making efforts to enable children with disabilities to attend mainstream schools. The State also provided information on a new program of pre-school teacher training and a project to identify and tackle issues in pre-school education.

- **Children with disabilities**

The Committee asked the State party if there is a national disability policy and if it, and the law, speaks to the situation of children in particular. They asked if children with disabilities are represented in the parliament and if there are teachers and health workers with specialised training. The State responded that a bill protecting the rights of children with disabilities, as well as one on the rights of people with albinism, had been passed and that inclusive education is now fully embodied in the disability act. The noted as a priority capacity building of teachers. In the capital there is a support centre, the 'Cité de la Solidarité' that supports people with disabilities. The State party noted the need to combat stereotypes and change the general mind-set towards people with disabilities

- **Child labour:**

Concern was raised about the impacts of the business sector on children's rights and the environment. The Committee noted in particular that the consequences of the mining industry include child labour, health risks and school drop-out and raised concern about the exposure of children to violent protests in mining regions. The Committee welcomed positive measures taken such as the adoption of the ILO Convention 176 on safety and health in mines. The State explained that the mining code made provisions for environmental protection and legally bound mining industries to contribute to reforestation.

- **OPSC and OPAC:**

The Committee asked what crimes under OPSC and OPAC were covered in the criminal code and how it is ensured that perpetrators are prosecuted. The State responded that the two protocols have been enshrined in the draft new children's code. Furthermore, the Committee asked if structures were in place to repatriate and rehabilitate children who are involved in armed conflicts or terrorist organisations abroad. The State answered that they do not have statistics on children involved in armed conflicts but that they had a counter-terrorism unit present in the airport. They further noted that trafficking of children is an issue and that an emergency action plan was activated creating a national committee to counter trafficking, focusing on prevention.

Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures in the **following six areas**:

- **Children's rights and the business sector:** The Committee highlighted the lack of regulations and monitoring of mining companies and their negative consequences, including through child labour and prostitution, on children's right to health, education and a safe living environment. They urged for the enforcement of mining companies' obligations towards local communities, including sharing of revenue. They urged action on the "general insecurity to which children living in mining areas are exposed".
- **Birth registration:** The low levels of birth registration remain a great concern to the Committee, as does the disparity in registrations between urban and rural areas caused by insufficient facilities. They highlighted the fees associated to registration, the lack of certification (as well as counterfeit documents), issues surrounding the collection and storing of data, the lack of budgetary allocations and issues faced by unregistered parents.
- **Harmful practices:** The Committee placed an emphasis on FGM and child marriage which it remains highly concerned about. They noted the impunity of those enabling these practices, the lack of support for victims and potential victims as well as the limited reach of the National Action Plan Against Child Marriage.
- **Violence:** The Committee is deeply concerned about the prevalence of gender-based violence in both public and private spheres and the lack of access to justice for victims. They highlighted the stigmatisation of victims of sexual violence, the shortcomings of the judicial system and the lack of social support for victims. They also urged action on the death and injury of children in political protests.
- **Education:** In terms of education, the Committee highlighted the lack of funding, the risk of violence faced by girls, the gender and regional disparities, the lack of staff, resources and inadequate infrastructure. They expressed concern about inadequate sanitation in schools, low attendance rates due to social and cultural barriers and the generally low quality of education. They also highlighted the impact of private schools on accessibility to quality education and the absence of regulation of Qur'anic schools.
- **Juvenile justice:** The Committee expressed concern about the lack of juvenile courts, of a legal aid scheme and of alternative sentences. They highlighted the lack of detention and rehabilitation centres for children, as well as the inadequate conditions of all such centres. They also noted that programmes to protect and reintegrate children in conflict with the law are rare.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.3 on implementing nationally appropriate social protection systems and measures for all;
- 3.2 on ending preventable deaths of newborns and children under 5 years of age;
- 4.1 on ensuring that all girls and boys have complete free, equitable and quality education;
- 4.5 on eliminating gender disparities in education and ensure equal access to education for all;
- 5.1 and 5.2 on ending all forms of discrimination and violence against all women and girls;
- 8.7 on eradicating forced labour, modern slavery and human trafficking, including child labour;
- 10.3 on ensuring equal opportunity and reducing inequalities of outcome;
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against children;
- 16.9 on providing legal identity for all, including birth registration.



Next State report

CRC	
No. of report	7 th & 8 th
Due date	1 st September 2025

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