



ngo group for the crc

STATE PARTY EXAMINATION OF GUINEA'S SECOND PERIODIC REPORT

62ND SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

14 JANUARY – 1 FEBRUARY 2013

Contents

| | |
|---|----|
| Opening Comments | 1 |
| General Measures of Implementation..... | 2 |
| Definition of the Child | 3 |
| General Principles | 3 |
| Civil Rights and Freedoms | 4 |
| Family Environment and Alternative Care..... | 5 |
| Basic Health and Welfare..... | 5 |
| Education, Leisure and Cultural Activities..... | 6 |
| Special Protection Measures | 8 |
| Concluding Remarks | 10 |

Guinea ratified the Convention on the Rights of the Child (CRC) on 13 January 1990. On 19 January 2013, the Committee on the Rights of the Child (the Committee) examined the 2nd periodic report of Guinea. It was last examined in January 1999.

Opening Comments

The delegation of Guinea was led by H.E. Mrs Hadja Diaka DIAKITE, Minister of Social Affairs, Female Promotion and Childhood. She was supported by a delegation of representatives of the Minister of Social Affairs, Female Promotion and Childhood, the Ministry of Foreign Affairs, the Guinean Committee for the Protection of Children's Rights and the Deputy Director of Pre-school Education and Child Protection.

Mrs Hadja Diaka Diakite thanked the Committee for the organisation of the session and stated the importance given by the Guinean government to human and child rights. The head of delegation mentioned the 2010 Presidential election and the adoption of a new Constitution, followed by the establishment of several key State institutions; legislative elections would take place in 2013 to complete this phase of institutional reform.

Mrs Diakite recognised the challenges faced in the implementation of law, including addressing poverty and illiteracy. The government was committed to promote education and to end the worst forms of child labour, sexual abuse, child trafficking and the involvement of children in armed conflict. The head of delegation recalled the difficult political, institutional and economic situation of the country between 2006 and 2010.

Mrs Diakite mentioned that progress made by the Guinean government, including the harmonisation of legislation with the CRC; the adoption of the Children's Code; the decrease in infant mortality; the adoption of the plan of action to put an end to female genital mutilation; and the increase in birth registration rates. The development of a child participation system and the creation of a community-based child protection system were also underlined. The first Forum for the Rights of the Child had been held in June 2012.

Important challenges remained, in particular a high rate of female genital mutilation, a low pre-school enrolment rate and the widespread practice of early marriage despite a minimum age set at 18 years. The head of delegation called on the international community to support the Guinean government in its efforts.

Ms Pillar Nores and Mr Jean Zermatten, the country rapporteurs, considered the presence of the delegation a commitment of the State to child rights. She commended the State for efforts made in the legislation, particularly the prohibition of female genital mutilation and the signature and ratification of several international instruments. Ms Nores hoped for a sincere and productive dialogue that would identify key challenges and the means to overcome them.

General Measures of Implementation

Legislation

The Committee asked whether the State would ratify the optional protocols of the main human rights treaties, including the third optional protocol to the CRC on a communications procedure. The delegation had received the official text of the third optional protocol to the CRC through the NGO Group for the Convention on the Rights of the Child and would analyse it.

The Committee commended the adoption of the Children's Code and asked whether the government would harmonise provisions of other legislation with the Code. The delegation was aware of contradictions within the legislation and took note of the comment.

The Committee also asked for clarification on the conflict between the customary law and positive law system, as customary law was still enforced in cases related to early marriage and inheritance. The delegation stated that government officials applied civil law when celebrating marriages.

The Committee asked whether the government planned to create a comprehensive national action plan on child rights, including objectives and a specific budget.

Budget

The Committee was concerned by the low amount of funds allocated to child rights issues. It asked whether measures were being taken to strengthen the tax collection system and to avoid corruption. The delegation recognised the existence of corruption and indicated that an inspectorate had been created to address the issue. Investigations were carried out in departments suspected of retaining funds allocated to the social sector. In addition, an assessment of the amount of taxes to be received by the different ministries in charge of tax collection was being undertaken.

The Committee pointed out that in light of the rich resources of Guinea (including fishery industries, agricultural and mineral resources), the GDP was comparatively low. The

delegation answered that this contradiction resulted from poor governance, as well as the socio-political situation of the past decade. This would be solved thanks to the governance of the democratically elected president and the re-payment of outstanding international debt.

Independent monitoring

The Committee observed that there was no established national human rights institution. It asked about the existence of an independent mechanism that could receive complaints on child rights violations. The delegation answered that a mechanism setting up mediators for child abuse cases had been created but not implemented.

Dissemination and training

The Committee asked how the dissemination of the CRC would target all the different groups of the population. It considered that oral dissemination methods could be more efficient given the high illiteracy rate among the population. The delegation indicated that the Children's Code had been widely disseminated. 5000 copies had been used to train professionals, including police officers and judges, as well as children. During the Month of the Rights of the Child, debates on child rights issues had been organised in the media.

Coordination and monitoring

The Committee asked which entity was responsible for coordinating the activities of the different ministries that carried out programmes on child rights. The delegation answered that the Guinean Committee for the Protection of Children's Rights was in charge of the coordination and implementation of the CRC, which was currently being restructured to improve its efficiency. The delegation also mentioned the existence of the coordinating body of non-State actors, consisting of national and international NGOs and international organisations.

The role of non-governmental organisations

The Committee asked whether non-governmental organisations were supported by the State.

Definition of the Child

The Committee asked for the exact definition of legitimate and illegitimate children in law.

General Principles

Non-discrimination

The Committee asked what measures had been taken to ensure the full enjoyment of rights by all children, without geographical or gender discrimination. The delegation recognised that gender discrimination was still practiced against girls, particularly in relation to marriage.

Best interest of the child

The Committee asked how the right of the child to have its best interests taken into account was being implemented in judicial or administrative decisions.

Survival, development and right to life

The Committee asked what measures had been taken to prevent children's suicides and accidents. The delegation answered that while there were not many cases of suicide, many children died in road accidents, as well as fires caused by old electric circuits.

Respect for the views of the child

The Committee acknowledged efforts made to improve child participation but asked whether children could individually be heard by judges or the administration in all decisions affecting them. It also asked how the Children's Parliament would effectively contribute to the respect of the child's views. The delegation explained that the Children's Parliament consisted of 114 junior deputies representing each region of the country and met once a year. Those junior deputies were also involved in the Forum on Child Rights. This Parliament included representatives of all different groups of children such as albino children and children in institutional care.

Freedom of religion

The Committee asked whether adolescents enjoyed the freedom to choose their own religion and whether religious education was compulsory at school. The delegation replied that official schools did not offer religious education; however, private religious schools were in operation. Children usually followed the religion of their parents.

Civil Rights and Freedoms

Birth Registration

The Committee asked about measures taken to ensure that all children were registered at birth. The delegation replied that the Children's Code had extended the registration time limit from two weeks to six months after the child's birth.

Corporal Punishment

The Committee was concerned that corporal punishment in all settings had not been prohibited by law and was widely practiced. The delegation indicated that the Children's Code addressed the prohibition of violence against children; however, corporal punishment was widely used in practice and socially accepted, particularly in religious institutions. All forms of violence in schools had been prohibited by decree, which included the possibility for a child or parent to make an official complaint. No complaints had been received to date. The Committee recalled the importance of an explicit legal prohibition supported by a broad campaign of sensitisation. The delegation took note of the advice.

Early and forced marriage

The Committee welcomed the new provisions of the Children's Code that had established the minimum age of marriage at 18 for both boys and girls. It remained concerned that the Code itself contained exceptions to this limit; the rule was not concretely implemented, resulting in a high number of early marriages.

The delegation admitted that despite the legal limit, practices were still contrary to the law. While it was difficult to change mindsets, awareness-raising on the legal minimum age for

marriage had been carried out in all regions of the country, including through community and rural radio programmes. The delegation was aware of the contradictions within the Code and said that the expected revision of the Code in 2013 would rectify them.

The Committee also asked about the practice of “reparatory marriages” where a girl who had been raped could resolve the situation by marrying her abuser. The delegation recognised the existence of such practices and noted that there was a system of protection which should be applied more globally. The delegation assured the Committee that government officials did not apply customary law; criminal law prohibited the practice of early and “reparatory” marriages; however, the delegation recognised that further efforts were required to ensure that the law was effectively implemented.

Harmful practices

The Committee asked what measures had been taken to prevent the widespread practice of female genital mutilation. The delegation underlined the legal prohibition of excision. Efforts had led to a decrease in the number of acts performed; however, traditional practices were still deeply rooted in the society and a new increase of cases had been observed. While some cases had been brought before the courts, only one had resulted in conviction. Efforts would be reinforced to abolish the practice, with the support of non-governmental organisations and religious leaders. Beyond this issue, the Committee was also concerned by the underlying issue of discrimination against girls and called for a change of mindset.

Family Environment and Alternative Care

Adoption

The Committee welcomed the ratification of the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. The delegation mentioned the development of cooperation practices with countries of destination of children. Guinea also became a party to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction in 2011, for which the Guinean Committee for the Protection of Children’s Rights would soon be the Central authority.

Foster care

The Committee was concerned by the high number of children living in institutions. It asked whether measures had been taken to support shelters which were mostly run by non-governmental organisations. The delegation explained that there were a limited number of children living in institutions due to a system of child protection based on the role of the child’s extended family.

Basic Health and Welfare

Children with disabilities

The Committee was concerned that the majority of children with disabilities did not attend school. It asked about the government’s intentions to eradicate discrimination and ensure inclusive education for those children. The delegation explained that there were only two specialised schools for hearing and speech impaired children. Nevertheless, programmes for inclusive education had been created. Investments would be made to eradicate segregation

both at school and within the labour market. Free public transportation for children with disabilities would be implemented.

The new Programme on Education would take into account all relevant issues, including infrastructure and teacher training. The Committee asked whether this plan had been allocated funds. The delegation answered that had been established under the authority of the Ministry of Social Affairs, which would ensure it was allocated a sufficient budget. The delegation also shared the Committee's concern that access to public services was a serious difficulty for children with disabilities. The Committee was concerned that the Directorate for Inclusive Education had not been created under the authority of the Ministry of Education. The delegation explained that the Directorate was only supporting the inclusive education aspects of the new Programme on Education.

Health data

The Committee was concerned that most of the figures given in the State's report needed clarification as they were incomplete or contradictory in places. The delegation agreed that the figures should be reviewed.

The Committee observed that Guinea was located in the "Noma belt" and asked what had been done in relation to this disease. It mentioned the Human Rights Council resolution on this issue (Resolution A/HRC/AC/3/CRP.3) The delegation was not aware of Noma but would raise this issue with the government after the session.

Maternal and infant mortality

The Committee asked what measures had been taken to address the prevalence of preventable infectious diseases and infant mortality rates. It also stressed the high level of maternal mortality caused by malnutrition, lack of care, lack of training of health workers and lack of access to emergency services. The delegation answered that one of the causes of maternal and infant mortality was the lack of medical centres and the dispatch of medical personnel to cover rural areas. This issue was being addressed through the creation of regional medical schools to train medical professionals in the different regions.

Breastfeeding

The Committee asked what measures had been taken to address the high level of child malnutrition. The delegation was aware of the benefits of exclusive breastfeeding up to six months, particularly for child immunisation. Breastfeeding had been widely promoted and advertising of formula was restricted. However, mothers suffering from infections could not breastfeed and were directed to a specialised health centre.

Education, Leisure and Cultural Activities

School enrolment and attendance

The Committee asked for the age of entry in primary school and whether primary school was compulsory. The delegation replied that primary school started at the age of five and added that a new Programme on Education had recently been adopted.

The Committee asked for explanations on the high rate of school dropout. It specifically mentioned poor hygiene conditions, overcrowding of classrooms and a lack of teachers. The

delegation explained that school dropout rates could partially be explained by the geographical distance between communities and schools. The creation of school canteens, thanks to the World Food Programme, had helped to keep children in school. Hygiene conditions were also a concern, as most facilities had not been renovated for economic reasons. It was hoped that this would be addressed in the near future since Guinea was now eligible to receive international development aid.

The delegation also indicated that part time schooling had been implemented to reduce classroom overcrowding. The Committee pointed out that this system resulted in a decrease school attendance time, thus reducing the quality of the education received and the lack of protection for children when they were not in school while parents were working. The delegation was aware of this consequence and indicated that it had been addressed in the new Programme on Education.

The Committee expressed further concern that responsibility for education services had been split between several ministries. The delegation noted that this concern would be taken into consideration.

School violence

The Committee was concerned about widespread violence in schools. The delegation was aware of this phenomenon; Plan International, a non-governmental organisation, had recently carried out a campaign to address school violence. The government had also applied for a grant from the European Union to receive funding to address this issue. The Committee underlined the need for an explicit legal prohibition of corporal punishment in all settings, including schools. Teachers would need to be informed of the prohibition and re-trained in positive disciplining techniques. The delegation said that information about sanctions for using corporal punishment against children would be included in teacher training materials.

Teacher training

The Committee asked about the organisation and duration of teachers' training. The delegation said that a three month intensive training had been set up a few years earlier to address the lack of teachers: This programme had subsequently been stopped as it had resulted in a decrease in the quality of the teachers. The Committee asked whether salaries of teachers were sufficient, to which the delegation answered that teachers' salaries were above salaries of other government officials; bonuses were also allocated to teachers effectively practicing in classrooms. There were now eight teaching schools located throughout the country.

Early childhood education

The Committee asked whether there was a national preschool education system available to all children in Guinea. The delegation presented the two kinds of preschool education structures existing in the country, namely the urban system under the authority of the State and the community-based centres in rural areas. Efforts of the government had recently focused on the rural system, as communities lacked the capacity to efficiently train teachers. As a consequence, many children were not well prepared when entering primary school.

The Committee asked which ministry was in charge of preschool education. The delegation replied that it was the Minister of Social Affairs and that a national programme of training applied to all preschool professionals. The delegation also mentioned the existence of private

preschool structures in urban areas. Those facilities were nevertheless supported by the State, which monitored the quality of the training and safety conditions, carried out inspections and provided pedagogical support.

Special Protection Measures

Mining and fishery industries

The Committee asked whether the relationship between the State and the mining industry was regulated in relation to child rights. It also queried how the government could ensure that companies' would uphold their obligations in terms of impact on the environment and social responsibility. The delegation indicated that the Environment Code, as well as contracts between the State and companies, regulated the activities and obligations of companies. Many of those contracts were currently being revised to take into account companies' impact on the environment.

The Committee asked whether private companies were involved in the provision of public services, including water, to the population. The delegation confirmed that mining companies did assist communities, for example in the construction of forages allowing for the collection of water. It also underlined the important role economic activities in terms of social progress in the country.

Street children and trafficking

The Committee asked what measures had been taken to address the issue of children working and living on the street (talibé). It observed that most of them seemed to be migrant children from neighbouring countries who could not count on family care. The delegation answered that this group of children were attended to by security services and sent to institutions. Efforts had been made to reduce the overcrowding of those centres with the support of civil society. Guinea was part of the pilot project of the Réseau Afrique de l'Ouest pour la protection des enfants (RAO) to address the issue of migrant children along national borders. The delegation recognised the existence of trafficking and mentioned bilateral and regional agreements signed with neighbouring countries and with the Communauté économique des Etats de l'Afrique de l'Ouest CEDEAO to control borders and prevent trafficking.

Child labour

The Committee asked whether the law on child labour had been effectively implemented and whether there had been cases where employers had been punished for violating the law. The delegation indicated that there was no widespread employment of children by large scale mining or fishery companies. Existing child labour practices were the result of exploitation of children by their families; artisanal mines did employ children, for example, in order to contribute to the family income, thus putting them at high risk of accidents. Those practices had resulted in the death of many children. The delegation recognised that the combat against child labour in the artisanal mining sector had not reached the expected results and reiterated the need for international support on this issue.

Juvenile justice

The Committee asked whether capital punishment or life imprisonment could be applied to children. The delegation indicated that while the death penalty had not been abolished, a

moratorium on the execution of the sentences had been applied. Moreover, all sentences applied to children were lower compared to adults and took a restorative approach. Life imprisonment and capital punishment did not apply to children.

The Committee asked whether tribunals for children were operating effectively. The delegation indicated that the Tribunal of Conakry was functioning and had ruled on cases involving children. It was composed of the President of the Civil Tribunal, a judge for children and a criminal judge. It had been identified that there was a lack of public prosecutors and judges, as well as insufficient training for judges and inadequate court facilities. Those challenges had been discussed at a recent meeting on the reform of the justice system, which had resulted in recommendations to be implemented with the support of the European Union.

The Committee asked how many tribunals for children existed in Guinea. The delegation answered that there was one formal tribunal for children in Conakry. In the regions, the President of the tribunal nominated a judge for children when needed, however those judges were not specially trained in child rights issues.

The Committee was concerned by the detention conditions, including detention of children with adults, prison overcrowding and poor hygiene conditions. The delegation replied that children were mostly detained separately from adults and conceded that where they existed, juvenile sections were often very crowded. There had not been any session of the tribunal for minors last year, which had resulted in long pre-trial detention periods. The delegation recognised that this was an issue of concern.

The Committee asked whether judges could take alternative measures to detention for minors. The delegation answered that community service work could be ordered by the judge but that it was neither frequently done, nor organised. The Committee also pointed out the reported difficulties for children to be assisted by a lawyer. The delegation explained that there was a system of appointed lawyers and that Terre des Hommes, a non-governmental organisation, supplemented this service by providing lawyers.

The Committee asked whether investigations had been carried out against police officers for abuse of children in police facilities. The delegation said that the government had not received any complaints to that effect. Even though the law required the presence of a lawyer from the time of the arrest, the lack of lawyers and lack of information of the population impeded the implementation of the provisions. The current training of young lawyers would hopefully remedy this situation. The Children's Code also allowed parents, children and civil society organisations to make complaints before juvenile courts about cases of abuse against children.

Children in armed conflict

The Committee asked what measures applied to children arriving Guinea who were identified as having been involved in armed conflict abroad. The delegation indicated that the country was not currently involved in any armed conflict. However, it mentioned the involvement of children in the use of weapons during attacks carried out in 2001. Following those attacks, 350 children had been identified and had followed rehabilitation programmes, with the support of UNICEF. Since 2001, there had been no cases of children in the national armed forces or non-state armed groups.

There was no compulsory military service and the army and the police only voluntarily recruited persons aged 18 years or above. Children aged 14 or 15 attending military schools were registered in ordinary universities at the end of their training and did not automatically enter the national armed forces. Efforts were being made to introduce human and child rights into the curricula of police training programmes and military schools.

Concluding Remarks

Ms Nores thanked the government for the fruitful dialogue. She recognised the important efforts made to introduce a human rights approach in the daily life of children and adults and underlined the main remaining challenges, such as remaining customary law or violence against children. Mr Zermatten called on the government to respect its commitment to take into account, disseminate and implement the concluding observations of the Committee. He hoped that this dialogue would serve to better implement the programmes and reforms discussed during the session.

Mrs. Diakite assured the Committee of the government's commitment to take into account the concluding observations, which would be broadly shared in order to bring meaningful changes in children's lives. It reiterated the will of the government to implement all the provisions of the CRC and its optional protocols.