

Child Notice Guinea

2015



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The project “Better information for durable solutions and protection”; generates child-specific country of origin information analysis (Child Notices) on countries of origin of children on the move to Europe. The Child Notices describe the situation of children in the countries of origin providing legal and practical information on education, health care, child protection, armed conflict, juvenile justice, trafficking etc. The Child Notices have been developed based on this Methodology Guidance on Child Notice.

The countries of origin have been chosen based on migration flows of children (with and without families), return figures, EU and national priorities.

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LIST OF ACRONYMS

ACF-E	Action Against Hunger - Spain
ACRWC	African Charter on the Rights and Welfare of the Child
AGP	Agence Guinéenne de Presse (Guinean Press Agency)
AGUIAS	Association Guinéenne des Assistants Sociaux (Guinean Association of Social Workers)
BNI	Budget National des Investissements (National Investment Budget)
CANEPE	Coordination des acteurs non étatiques engagés dans le secteur de la protection de l'enfance (Coordination of Non-state Actors engaged in the Child Protection Sector)
CCEJT/G	Conseil Consultatif des Enfants et Jeunes de Guinée (Guinean Advisory Council for Children and Young People)
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CG/SPDE	Comité Guinéen de Suivi de la Protection des Droits de l'Enfant (Guinean Committee for the Follow-up on the Protection of the Rights of the Child)
CGSDE	Comité Guinéen de Suivi des Droits de l'Enfant (Guinean Committee for the Follow-up on the Rights of the Child)
CISV	Children's International Summer Villages
CNDD	Conseil national pour la Démocratie et le Développement (National Council for Democracy and Development)
CNLTP	Comité National de Lutte contre la Traite des Personnes (National Committee against Human Trafficking)
CLNTPE	Comité National de Lutte contre la Traite des Personnes et des Enfants (National Committee against Human and Child Trafficking)
CNT	Conseil National de Transition (National Transition Council)
COLTE/CDE	Coalition des ONG de Protection et de Promotion des Droits de l'Enfant, Luttant Contre la Traite (Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking)
CPTAFE	Cellule contre les Pratiques Traditionnelles Affectant les Femmes et les Enfants (Unit against Traditional Practices affecting Women and Children)
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisation
DHS	Enquête Démographique et de Santé (Demographic and Health Survey)
DIJ	Direction des Investigations Judiciaires (Directorate for Judicial Investigations)
DNE	Direction Nationale de l'Enfance (National Directorate for Children)
DNEPPE	Direction Nationale de l'Éducation Préscolaire et de Protection de l'Enfance (National Directorate for Preschool Education and the Protection of the Child)
DNPF	Direction Nationale de la Promotion Féminine (National Directorate for the Promotion of Women)
DNPFG	Direction Nationale de la Promotion Féminine et du Genre (National Directorate for the Promotion of Women and Gender)
DSRP	Document de Stratégie de Réduction de la Pauvreté (Strategy Document for the Reduction of Poverty)
ECOWAS	Economic Community of the States of West Africa
EDS-MICS-2012	Enquête Démographique de Santé et à Indicateurs Multiples de 2012 (2012 Demographic and Health Multiple Indicators Survey)
ENATEG	Enquête Nationale Sur la Traite des Enfants en Guinée (National Survey on Child Trafficking in Guinea)
ENTE	Enquête Nationale Sur le Travail des Enfants en Guinée (National Survey on Child Labour in Guinea)
FAO	Food and Agriculture Organization of the United Nations

FGM/C	Female Genital Mutilation/Cutting
GE	Gouvernement des écoles (Government of Schools)
HCHR	High Commissioner for Human Rights
HKI	Helen Keller International
ICRC	Comité International de la Croix Rouge (International Committee of the Red Cross)
ILO	International Labour Organization
IOM	International Organization for Migration
INGO	Organisation Non Gouvernementale Internationale (International Non-governmental Organisation)
INS	Institut National de la Statistique (National Institute for Statistics)
INSE	Institut National de la Santé de l'Enfant (National Institute for Child Health)
IRC	International Rescue Committee
LDCs	Pays moins avancés (Lesser Developed Countries)
LIGUIDHO	Ligue Guinéenne des droits de l'homme (Guinean League for Human Rights)
LVIA	Lay Volunteers International Association
MASPFE	Ministère de l'Action Sociale, de la Promotion Féminine et de l'Enfance (Ministry for Social Action, and the Promotion of Women and Children)
MDT	Les Mêmes Droits pour Tous (Same Rights for All)
MEJT/G	Mouvement des enfants et jeunes travailleurs de Guinée (Guinean Movement for Children and Young Workers)
MSF	Médecins Sans Frontières (Doctors with Borders)
NGO	Non-governmental Organization
OHCR	Office of the High Commissioner for Human Rights
OPROGEM	Office de Protection du Genre, de l'Enfance et des Mœurs (Office for the Protection of Gender, Children and Morals)
PEG	Parlement des Enfants de Guinée (Guinean Children's Parliament)
PEV-ME	Programme élargi de Vaccination- Médicaments Essentiels (Large-scale Vaccination Campaign-Essential Medicine Programme)
PNPDBE	Politique Nationale de Promotion et de Protection des Droits et du Bien-être de l'Enfant en Guinée (Guinean National Policy for the Promotion and the Protection of the Rights and Well-being of the Child)
PTME	Prévention de la Transmission du VIH/Sida de la Mère à l'Enfant (Prevention of Mother to Child Transmission of HIV/AIDS)
RGPH	Recensement Général de la Population et de l'Habitat (General Population and Housing Census)
SYPEG	Système de Protection de l'Enfance en Guinée (Protection of the Child System in Guinea)
TBN	Taux brut de natalité (Gross birth rate)
TdH	Terre des Hommes
UNAIDS	United Nations Organisation against AIDS
UNCRC	United Nations Committee on the Rights of the Child
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNS	United Nations System
WHO	World Health Organization
WFP	World Food Programme

DISCLAIMER

The information in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). The research has been done according to the *Guidelines for the Development of a Child Notice* (December 2014), which is annexed to this report. The Child Notice has been researched and presented taking into account the quality standards and principles formulated in the ACCORD Manual Researching Country of Origin Information-2013 edition¹ and the EASO COI Report Methodology².

The main text of the Child Notice contains the most up-to-date publicly available information as at February 2015. Any other events that took place after this date have not been included in the Child Notice.

The information in this Child Notice is limited to that which could be identified from publicly available source documents and persons. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist.

Different types of sources have been used (NGOs, IOs, government, media, academics). Information was also obtained from interviews with different stakeholders in the countries of origin who have given information based on their expertise and experience. All sources have been checked and cross-checked and are mentioned in the report.

UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden have sought to provide relevant, accurate, up-to-date, balanced and impartial information on the position of children in countries of origin. The necessity to keep the Child Notice a concise report that is usable for the target group, means that choices have been made in the amount of information that is given. Though the intention is there, UNICEF does acknowledge that it is not possible to be exhaustive in the information that is presented.

The Child Notice provides useful information for immigration/asylum officials, border personnel, law enforcement personnel, social workers, case managers, guardians, service providers (educators, health personnel), interpreters, lawyers, and judges in assessing the situation and position of children in asylum and migration procedures.

UNICEF does acknowledge the fact that the information in this Child Notice is time-bound. Regular updates are important but have not been feasible in the duration of the project “Better information for durable solutions and protection”.

¹ The training manual is developed by the Austrian red cross/ACCORD and can be downloaded here: <http://www.ecoi.net/blog/2013/10/new-accord-training-manual-on-researching-country-of-origin-information-published/?lang=en>.

² EASO Country of Origin Information report Methodology (July 2012).

INTRODUCTION

Child migration occurs everywhere in the world and for different reasons. Migration might be forced through natural disasters or war. It might be the result of exploitation, in the case of victims of trafficking. It might be induced because children and/or their parents fear for their lives in their countries of origin because of persecution. Also, children might migrate because they are looking for a better future life. Migrant children may be accompanied by their parents or guardians, by other adults (separated children) or alone (unaccompanied children), and children may migrate in regular or irregular ways. Whatever the reason for children to migrate and whatever the way children migrate, the best interest of the child should be a primary consideration during all stages of the migration process. Article 3 of the UN Convention on the Rights of the Child states that:

‘In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.’

Decisions on status, care and residency and on return should be informed by a documented best interest of the child assessment and determination.

Whatever the way and reasons for children to migrate and to arrive in Europe, a durable solution should be sought, taking the best interest of the child into account. Careful and thorough procedures to determine the best interest of the child and a durable solution are necessary. Information on the situation of the involved child, be it separated, unaccompanied or travelling with his or her family, is paramount. This involves both specific information on the situation of the particular child involved, as well as information about the local situation of children in countries of origin.

The European Commission calls in its Action Plan on Unaccompanied Minors (2010-2014)³ to collect data and develop country of origin information and analysis relevant for assessing the protection needs of unaccompanied minors.

Authorities in most countries of destination use Country of Origin Information reports (COI). These reports are used to assess the situation in the country of origin and help to determine whether a person has the right to international protection through a refugee status or a subsidiary protection status. COI reports also give valuable information for decisions in which the possibilities for a safe return have to be weighed. Objective country-of-origin information increases the opportunity of safe return and decreases the chances of re-trafficking. It should inform risk-assessments and reintegration programs.

Some Country of Origin Information reports do contain information on, for instance, the position of unaccompanied minors, the existence of female genital mutilation or the recruitment or involvement of children in armed conflicts. However, the information provided often lacks detail, focuses solely on the position of children outside the family and does not provide, in general, enough information to assess child-specific forms of persecution, the best interest of a child or safe conditions for return.

The Child Notice foresees in the need for more information on child-specific circumstances in the country of origin. The Child Notice gives elaborate information on the local living conditions of children, including information on the existing or non-existing child protection services in the country involved. It also gives information on the access to education and health care, on the occurrence of gender- and

³ European Commission *Action Plan on Unaccompanied Minors (2010-2014)* COM (2010) 2313/3.

children-related violence such as FGM, forced marriages, honour killings, exploitation and human trafficking. This information is paramount in a best interest of the child assessment which is the basis for decisions on the granting or non-granting of international protection and in considering conditions for a safe return.

READER'S GUIDE

How to read the Child Notice?

This Child Notice report is a Country of Origin Information Report providing information on the living conditions of children in Guinea. The Child Notice contains valuable background information for policy-makers as well as case workers, lawyers and other professionals in Europe who work with children coming from and/or going to Guinea, primarily in the fields of asylum and migration. The Child Notice has been developed and published by UNICEF The Netherlands, UNICEF Belgium and UNICEF Sweden as part of the project "Better information for durable solutions and protection" financially supported by the European Return Fund of the European Commission.

The Child Notice on Guinea has been developed over the following period: July 2014-February 2015.

The Child Notice starts with a *summary* which gives an overview of the most important findings of the research on circumstances in which children live, trends, actual events, the difficulties children face in the country, the political context and political responsibility towards children.

The *child rights information* in the Child Notice is structured according to the provisions of the UN Convention on the Rights of the Child (CRC – 1989). As the UN Convention is a comprehensive document, with rights being interlinked, so is this report. This means that each section of the report should be read in the context of the other sections. For instance, a failing education system and a weak child protection system encourage child labour and child exploitation. Where appropriate, references have been made between the different sections.

In general the Child Notice has the following structure:

1. Demographic information/statistical data on children
2. Basic legal information
3. General principles
 - a. Non-discrimination
 - b. Best interests of the child
 - c. Right to life and development
4. Civil rights and freedom
5. Basic rights (health/water/food/education)
6. Family environment and alternative care
7. Special protection measures
 - a. Children in conflict with the law
 - b. Orphans, unaccompanied and separated children
 - c. Victims of child trafficking
 - d. Children in armed conflict
 - e. FGM/C
 - f. Forced and underage/child marriage
 - g. Domestic violence
 - h. Child labour and other forms of exploitation
 - i. Street children
 - j. Refugee children and internally displaced persons
8. Returning separated or unaccompanied children and families

How to use the Child Notice?

The information in the Child Notice can be used:

1. To obtain background information on the situation of children in the country of origin.
2. To identify potential (child and gender-specific) forms and manifestations of persecution.
3. To identify other factors relevant to decisions as to whether remaining in the host country or return is in the best interests of the child, including local responses to returnees.
4. As input for a Best Interest of the Child Determination; to make sure decisions concerning children have given due consideration to the best interest of the child.

Child-specific asylum and migration policy

With many children applying for an international protection status, the need for child-specific asylum- and migration legislation and policies, guided by the principles and provisions of the UN Convention on the Rights of the Child, is clear.

At the heart of the protection of children who apply for asylum is Article 22 of the UN Convention, which states:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organisations or non-governmental organisations cooperating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

These rights are intertwined with the right to special protection for children who live outside the family (Article 20), the right to health care (Article 24) and the right to education (Article 28).

The following articles form the bases for the child protection of each minor asylum seeker:

Article 2: non-discrimination

Article 3: the best interest of the child

Article 6: the development of the child needs to be promoted

Article 12: the rights of children need to be heard.

Child-specific grounds for persecution

Each child has the right to make an independent refugee claim, regardless of whether he or she is accompanied or unaccompanied. Even being part of a family and at a young age, a child might be considered the principal asylum applicant. A child can derive a refugee status from the recognition of his or her parents as refugees. At the same time, parents can derive status from their child's refugee status.

In order to assess children's claims to asylum and make decisions, one needs to have an up-to-date analysis and knowledge of the child-specific circumstances in the country of origin, including existing child protection services. Children themselves might not be the perfect source of information. This information can be derived from the Child Notice.

Just as adults, child applicants for a refugee status must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, in accordance with the 1951 Refugee Convention.

As the UN Committee on the Rights of the Child⁴ and the UNHCR⁵ have pointed out, age and factors such as rights specific to children, a child's stage of development, knowledge and/or memory of conditions in the country of origin, and vulnerability, also need to be considered to ensure an appropriate and child-friendly application of the eligibility criteria for refugee status. The 2011/95 EU Qualification Directive states in Article 9.2 that 'Acts of persecution can take the form of... (f)acts of a gender-specific or child-specific nature'⁶.

The UNHCR's Executive Committee has recognised that children may be subjected to specific forms of persecution that are influenced by their age, lack of maturity or their vulnerability. The sole fact that the claimant is a child might be principal in the harm inflicted or feared. The UNHCR Guidelines on international protection⁷ highlight child-specific forms of persecution such as underage recruitment, child trafficking and female genital mutilation, as well as family and domestic violence, forced or underage marriage, bonded or hazardous child labour, forced labour, forced prostitution and child pornography, and violations of economic, social and cultural rights.

Best Interests Determination

In all decisions taken in procedures concerning children the best interests of the child should be a primary consideration.

In a migration procedure, a durable solution should be sought for the child involved. A durable solution will be long-term and sustainable and ensures that the child is able to develop into adulthood in an environment which will meet his or her needs as well as fulfill her/his rights as defined by the UN Convention and will not put the child at risk of persecution or harm. The durable solution will be informed by the Best Interest Determination (BID).

⁴ UN Committee on the Rights of the Child *General Comment No.6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin* CRC/GC/2005/6 (September 2005).

⁵ UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).

⁶ Directive 2011/95/EU of the European Parliament and the Council of 13 December 2011 on Standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

⁷ UNHCR *Guidelines on international protection; Child Asylum Claims under Article 1 (A)2 and 1 (F) of the 1951 Convention and/or 1967 Protocol relating to Status of Refugees* HCR/GIP/09/08 (22 December 2009).



According to General Comment No. 14, the specific, factual circumstance of the child is the point of departure for assessing the best interests of the child. Elements, which among other aspects relevant to the specific child, may be taken into account when assessing and determining a child's best interests include:

A. Child's identity

Age, gender, sexual orientation national origin, religion and beliefs, cultural identity, personality, current needs and evolving capacities (including level of education).

B. Child's view

The child's view on his/her identity and on the options available. Include also the view of (foster) parents or (current) caregiver's views.

C. Preservation of the family environment, maintaining relationships

Significant relationships (location), quality and duration of child's close relationships, effect of separation from significant relationships, capacity of parents or other care-givers, possibilities of family reunification, preference of care within family environment in order to ensure the full and harmonious development of a child's personality.

D. Care, protection and safety of the child

Safety from harm, well being in broad sense (basic material, physical, educational and emotional needs, needs for affection and safety, recognizing that socio-economic circumstances may be quite diverse in in country of origin, possibility of future risk and harm and other consequences of the decision for the child's safety).

E. Situation of vulnerability

Individual physical or emotional needs, specific protection needs including for victims of trafficking and trauma, role of continuity of feelings of security and stability.

F. Child's right to health

Actions required to provide for his/her health condition, including mental health.

G. Access to education

Educational needs and opportunities for development.

These elements need to be balanced in an assessment of best interests. The content of each element will necessarily vary from child to child and from case to case, depending on such things as the concrete circumstances. Child-specific information on the country of origin, as provided in the Child Notice, will give valuable input for an assessment of above-mentioned elements but cannot provide information on a particular situation of a particular child.

A Best Interests of the Child Determination (BID) results in a recommendation for the child's future based on his or her best interests. A BID procedure is a holistic assessment of all possible long-term solutions that could meet the best interests of the child and address his or her individual rights and needs, particularly any need for international protection and adequate care arrangements. This assessment is holistic in considering many factors and goes beyond an assessment of international protection needs based on existing legal instruments. A BID should be a formal process with strict procedural safeguards.

Child protection systems

The Child Notice includes information about the provision of child protection services by state and non-state actors. Thorough knowledge of the existing child protection system in a country of origin or the lack of it, is vital while making a decision on international protection, possible return and assessing return conditions or designing reintegration programs in the country of origin.

A child protection system (CP system) consists of 'certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children'.⁸ The importance of a CP system is to create a protective environment where laws and policies, services, behaviours and practices minimise children's vulnerability and strengthens children's own resilience.⁹ There is however not one template for a child protection system that could be copied to every country around the world.

A child protection system should consist of a few basic elements:

- Child protection laws and policies should be compliant with the CRC and other international and regional standards.
- Governments have an oversight function and the ultimate responsibility for the child protection system, which involves coordination and engagement of multiple CP actors, including civil society.
- There is a centralised data collection system on both prevalence and knowledge of child protection issues and good practices.
- There are preventive and responsive services that are focused on supporting the families in protecting and caring for their child. Prevention should, besides the child at risk, focus on all the risks that play a factor.
- Children will be involved and will have the opportunity to express their views in responses and interventions deployed to protect them and in the development of child protection policies.

A protective environment encourages the development of a child, improves his or her health, education and well-being. Besides, it improves children's capacities to be parents and productive members of their societies. The main importance of a child protection system is that it provides protection against the risks

⁸ UNICEF, UNHCR, Save the Children, World Vision *A Better Way to Protect All Children* (2012) Conference report, p. 1.

⁹ UNICEF *UNICEF Child Protection Strategy* UN-Document E/ICEF/2008/5 (2008).

and vulnerabilities underlying many forms of harm and abuse: 'Sexual abuse and exploitation, trafficking, hazardous labour, violence, living and/or working on the streets; the impact of armed conflict, including children's use of armed forces and groups; harmful practices such as female genital mutilation/cutting (FGM/C) and child marriage; lack of access to justice; and unnecessary institutionalisation among others'¹⁰.

The EU Action Plan for Unaccompanied Minors¹¹ states the importance of a functional child protection system as follows:

'Finally, the EU will continue promoting the development of child protection systems, which link the services needed across all social sectors to prevent and respond to risks of violence, abuse, exploitation and neglect of children, to support children who are not in the care of their families and to provide protection to children in institutions. The EU will also continue supporting birth registration systems which, through ensuring that all children have a legal identity and thus access to their legal rights, play an important role in child protection.'

Return

The durable solutions that are often considered are geographically shaped:

1. Voluntary or forced return to the country of origin.
2. Local integration in the country of destination, or
3. Resettlement to a third country in situations where it is impossible for a person to go back home or remain in the country of destination.

In order for return to take place in a safe manner, there are many considerations, including child protection needs, to be taken into account.

UNICEF published in 2014 a discussion document¹² on children's rights in return policy and practice in Europe. This document enumerates the following considerations for government practice in the return process for children:

1. Assess the security situation carefully, on a country and local basis and specifically for children.
2. Carry out a Best Interest Determination (BID) to identify a durable solution for every separated child.
3. Develop and use child rights-based procedures for tracing and contacting families.
4. Respect the best interest of children in returning to families.
5. Work on possibilities for long-term development and durable solutions.
6. Conduct public consultations now on policy provisions needed to accompany emerging practices.
7. Do not return children to institutional reception unless the recommended safeguards are in place.

Although the discussion document has been written with separated and unaccompanied children in mind, some of these considerations are also valid while considering return of children and their families.

In order to assess the security situation and to consider and develop specific reintegration programs, child-specific country-of-origin information that can be found in the Child Notice is paramount.

¹⁰ UNICEF *UNICEF Child Protection Strategy* UN-Document E/ICEF/2008/5 (2008).

¹¹ European Commission *Action Plan on Unaccompanied Minors (2010-2014)* COM (2010) 2313/3.

¹² UNICEF *Children's rights in return policy and practice in Europe; a discussion paper on the return of unaccompanied and separated children in institutional reception or family* (2014) Voorburg.

SUMMARY

General context, demography, legal framework and institutional framework

Since its independence, Guinea has experienced two long authoritarian regimes: the first republic of Ahkmed Sékou Touré (1958-1984) and the second republic of General Lansana Conté (1984-2008), who came into power following a military coup. After the death of General Conté, a second seizing of power by the army took place on December 23, 2008. The return to constitutional order and democracy began in November 2010, with the presidential election, and was followed by a legislative election in 2013.

Despite great economic potential, Guinea is still classified by the UN among the Less Advanced Countries (LDCs). This poverty is explained above all by poor governance, which particularly affects close to 60% of the child population. In 2013, this population was estimated at 5,746,000, within a global population of 11,745,000. None of the linguistic, ethnic or religious groups which coexist in Guinea have a legal status of "minority". However, the groups which are numerically the most important (Peul, Malinkés, Soussous, Forestiers, Muslims, Catholics) have greater advantages than the small groups.

Guinea signed, adopted and ratified, without major reservations, the majority of the conventions and protocols on the rights of children and on human rights. In 2008, Guinea adopted a national law called "Children's Code", the purpose of which is to make national legislation consistent with the measures of these conventions and protocols. This code, which brings together all the laws relating to the rights and protection of the child, requires amending in order to correct certain measures that do not comply with international standards. The legal framework for the protection of the child also includes other laws, notably those of the Criminal Code, of the Code of Criminal Procedure, and of the Civil Code.

The Guinean Committee for the Follow-up on the Protection of Children (CG/SPDE), created in 1995, is the main governmental body for the coordination on the rights and protection of children. The definition of the mandate and the allocation of resources to this committee need to be improved. There is no independent national institution for children but, since 2007, there has been an NGO coordination mechanism entitled "Coalition of NGOs for the Protection of the Rights of the Child and the Fight Against Trafficking (COLTE/CDE)".

The courts that are competent for minors are: the Judge for juveniles, the Children's Court, the Special Chamber for Minors, the Court of Appeal for Minors and the Criminal Court for Minors. Enforcement of the law relating to juvenile justice is very patchy, and the protection of children in the legal system has a number of inadequacies: poor treatment of children in detention, non-compliance with procedures, abusive detention, etc.

The current quality of birth registration, the care given to archiving of legal records, and registration rates, are not satisfactory. The number of children not registered was estimated in 2014 to be 2,489,000, and that of children without birth certificates to be 3,459,000. Registration and regularisation campaigns are organised from time to time either at national level or at the regional, even prefecture level. Majority is fixed at the age of 21. Legal competence and the right to vote are acquired at age 18. Criminal responsibility is established at 18. Travel documents necessary for a child depend on age and destination: a copy of the birth certificate, a school identity card, passes, or a passport. According to the circumstances, these documents can be issued by the state registration services, by consular services or by immigration services.



No child may leave the national territory if he or she does not have a special authorisation established by the authorities of his place of residence signed with the agreement of the parents, of the guardian, or of whichever person has legal responsibility for the child. In practice, this legal measure is rarely applied. The law provides for alternatives to detention, but in practice, depriving a child of his or her liberty is the most common punishment for children in conflict with the law, including children who have barely reached the age of 13.

General principles of the Convention, civil rights and freedoms

The Guinean government reports that, according to the law, all children have the same rights, without any discrimination. However, the law contains discrimination based on the marital status of the parents at the time of the child's birth. Furthermore, in practice, children with a disability are frequently faced with various forms of discrimination. Several norms, customs and practices justify and perpetuate discrimination and violence with respect to women and children: forced and underage marriages, female genital mutilation, fostering, sororate and levirate, etc. There is no law that criminalises sexual orientation, although there are profound social, religious and cultural taboos with regard to homosexuality.

According to Guinean law, the best interest of the child should be the primary consideration in all measures taken with respect to a child by public or private institutions, tribunals or administrative authorities. In practice, this law is not sufficiently respected at home, at school, in the tribunals and in other institutions that work with or for children.

There is no progress in certain areas essential for the survival and development of children, in particular in rural areas. Indeed, child mortality and child malnutrition rates in Guinea are still greater than the average rates noted in sub-Saharan Africa. There is a persistence of early childbearing, and an up-and-down evolution in the proportion of female teenagers having begun their childbearing life (37% in 1999, 32% in 2005 and 34% in 2012). In Guinea, there have been cases of ritual murders,

but the extent of the phenomenon is unknown because of cultural taboos and a general reluctance to touch on the subject. The resources allocated to the education, health and protection sectors are weak. The availability of and accessibility to education, health and protection services are insufficient.

Freedom of expression, of thought, of conscience, of religion and of association is in principle guaranteed for all children by Guinean law. However, this law does not allow a person aged less than 18 years old to form an association or formal NGO or to manage a bank account. Furthermore, within families, the freedom of expression of children is very limited by traditional norms and values. Children have no opportunity to submit a complaint about violations of their rights. In 2013, the HCHR office in Guinea and the CSOs reported 55 cases of rape and sexual abuse involving minors. Some of these cases have been perpetrated by law enforcement authorities. No legal proceedings were undertaken against the perpetrators.

Family environment, alternative care and special protection measures

The International Adoption Commission is the body charged with receiving and treating international adoption requests. In practice, the provisions of the Hague Convention on child protection and cooperation in matters of international adoption are inadequately enforced. In particular, the custom of placing a child without a family into the care of a relative, outside of all administrative and legal checks, is widespread. The lack of legal norms and instruments regarding the placement of children, as well as the lack of management and monitoring of the institutions responsible for their reception and care, dramatically accentuates children's vulnerability in these institutions, the quantity and quality of which are insufficient. The law does not explicitly forbid corporal punishment in families, schools and child reception centres.

Guinean law protects several categories of children who need special protection measures: minors in conflict with the law, child trafficking victims, street children, children associated with armed forces or groups, child victims of forced work or exploitation. Capital punishment or life imprisonment cannot be used for infractions committed by a child aged less than 18 at the time of the offence. Apart from the central institutions at Conakry, Kindia and N'Zérékoré, detention centres are not provided with sections dedicated to minors. There is no law dedicated to human trafficking. Rather, the practice of human trafficking is condemned through texts scattered throughout the Criminal Code and the Children's Code. Protection of victims and witnesses in the justice system remains a worrying question. The majority of trafficking victims are children, and the cases of trafficking are more widespread among Guinean citizens than among migrant foreigners living in the country. The main destinations of child trafficking or illegal work victims are: Senegal, Mauritania, Saudi Arabia, Mali, Cape Verde, Guinea-Bissau, Morocco, Ivory Coast, Benin, France, Italy, Switzerland, Ukraine, Belgium, the Netherlands, Greece and Spain. The main countries of origin are: China, Vietnam, India, Morocco, Nigeria, Mali, Liberia, Sierra Leone, Burkina Faso, Guinea-Bissau and Ghana. The number of child victims of trafficking identified by the government is unknown. The National Committee against Human and Child Trafficking (CNLTPE) is responsible for the protection of child victims of trafficking, but works very poorly because of insufficient financial resources. Recruitment of children for armed forces and groups took place in the past, notably from 2000 to 2002 and in 2009. Currently, however, the risk of such recruitment is low. The Children's Code and the Labour Code regulate child labour and protect them against the worst forms of child labour. In 2010, 43% of children aged 5-17 were economically employed. The phenomenon of talibé¹³ children remains marginal in Guinea. However, there are many street children. Protection services offered for street children are insignificant.

¹³ Children enrolled in a Koranic school.

Guinean law punishes female genital mutilation and cutting (FGM/C), forced and underage marriage as well as domestic violence. However, these still occur throughout all regions. In 2012, the prevalence of FGM/C was estimated at 96,9%. Female circumcision is a common practice among all ethnic and religious groups. Preventive and repressive measures against this custom have proved very ineffective. Popular opinion and beliefs remain favourable to FGM/C. 97% of women have been circumcised before the age of 15, and this now tends to happen at an always earlier age. Non-circumcised females are stigmatised, marginalised, even excluded from society. It is difficult for parents to defy social pressure and protect their children against excision. Cases of legal proceedings against those performing excision are rare. Underage and forced marriages are numerous, but data relevant to this practice are rare. Some parents arrange the marriage of very young girls (sometimes only 11 years old), notably in Middle Guinea and Forested Guinea. Around 80% of married women or women in unmarried couples have been victims of domestic violence.

Ebola virus fever epidemic

In 2014, Guinea was struck by an outburst of the Ebola virus fed by different cultural, historical, geographic and infrastructure factors. This caused a humanitarian, social, economic and security crisis, leading to the closing of schools, markets, businesses, air and maritime routes, and borders. At least 5,000 children, including more than 1,400 orphans, have been reported to be directly affected, and more than 140,000 children indirectly affected because of living in affected communities. This outburst provoked an extraordinary flow of aid from numerous countries and partners. A national response plan was worked out and structures for putting this plan into action were put in place. At the current time, the number of cases is declining, but the challenges in economic, sanitary and child protection terms remain immense.

Health, education and reception of returned children

Malnutrition rates in children are high and are tending to increase. In 2008, 40% of children aged less than 5 suffered from chronic malnutrition. Among them, 20.7% suffered from severe chronic malnutrition. The health sector is characterised by insufficient financing, a lack of personnel and by being concentrated at over 70% in the capital city. These difficulties have widely contributed to the ineffectiveness of the reaction to the Ebola fever epidemic that erupted in 2014. Children with disabilities are faced with difficulties in access to education, rehabilitation, treatment and leisure activities. The number and quality of institutions specialised for children with disabilities is insignificant. Children with disabilities are victims of discrimination and are forced into begging. Schools in Guinea are rather poor and the education system is struggling with enormous social inequalities. In 2014, the share of the national budget dedicated to education was equal to 11.67%. There are inequalities of access to education between rural and urban areas.

The availability and quality of reception services for returned children are insufficient. The rare services from which returned children have benefited were mainly offered by NGOs. These include tracing of and reunification with families, and help for reintegration. The rare follow-up mechanisms for returned children are neither formal, nor sustainable or effective.

1 General context

1.1 Map of natural and administrative regions of Guinea

Figure 1: Map of Guinea



Source: Guinean Government¹⁴

1.2 Political and economic context

1. According to foreign governmental sources¹⁵, the political history of Guinea after its independence was marked by two long authoritarian regimes: the first Republic of Ahmed Sékou Touré (1958-1984), and the second Republic of General Lansana Conté (1984-2008), who came into power following a military coup. In September 2000, the country was subjected to

¹⁴ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

¹⁵ Election observation mission of the European Union in the Republic of Guinea Final report – legislative election (28 September, 2013); Canadian Embassy in Senegal *Guinea Factsheet* http://www.canadainternational.gc.ca/senegal/bilateral_relations_bilaterales/canada_guinea-guinee.aspx?lang=fra&_ga=1.4110768.1456426007.1422353292 (Accessed 29 January 2015).

attacks by rebels from Sierra Leone and Liberia. These attacks affected political governance negatively, weakened the country's economy and led to the recruitment of volunteers to fight off the rebels. At the death of General Conté, in December 2008, a military junta under the orders of Captain Dadis Camara, the National Council for Development and Democracy (CNDD), seized power. On September 28, 2009, the army violently cracked down on a peaceful demonstration by the Forces Vives political movement, leading to the death of more than 150 people, as well as dozens of rapes and hundreds of wounded. Condemnation of this violence and pressure exercised by the international community weakened the unity of the military junta. On December 3, 2009, an assassination attempt on Dadis Camara led to his departure to Burkina Faso, and to the signature, on January 15, 2010, of the Ouagadougou Accords. Under these accords, power during the interim was entrusted to General Sékouba Konaté, a national union government was to be formed, and a National Transition Council (CNT), acting as a provisional parliament, was to be put into place. The transition from this provisional stage towards democratisation of the country was marked by the presidential election of 2010, which was followed by a legislative election in September 2013. There are more than 150 political formations in the Guinean political system, among which 31 participated in the legislative election. The parties are mostly grouped in two blocks: the movement in power, and the opposition. Some parties, not having joined either of these two large blocks, formed a block referred to as "centre". The Guinean Parliament is a single-chamber national assembly. Currently, the Head of State is President Alpha Condé. The Head of the Government is the prime minister, Mohamed Said Fofana. The main political parties having representatives in the parliament are the Guinean People's Party - Rainbow (RPG - Arc en Ciel) with 53 members of parliament, the Guinean Union of Democratic Forces (UFDG) with 37 MPs, and the Union of Republican Forces (UFR) with 10 MPs. None of the other parties have more than two members of parliament.

2. In 2014, a UNICEF study¹⁶ showed that: '[...] poverty continues to increase (53 % in 2007 and 55.2% in 2012)[...]'. According to a 2011 report by Plan Guinée¹⁷ this poverty situation is explained in great part by poor governance. The same report specifies that: '[...] in 2010, all the macro-economic indicators show that the country is in a difficult situation. An economic growth rate calculated at 1.9% is insufficient to drive back the level of poverty.'
3. According to the INS¹⁸, between 2007 and 2012, the GDP only grew by 2.1%, and the variation in the GDP per capita was negative (-1.1%) considering a rate of 3.1% in demographic growth. Foreign exchange reserves eroded (0.4 months worth of imports in 2007 against 0.7 months in 2010) with a record budgetary deficit, excluding donations, in 2010 (-14.4% of the GDP), financed by monetary creation. This caused high inflation levels, with 20.8% at the end of 2010. In 2010, the outstanding public debt stood at 3,061,7 million US dollars, amounting to 67.7% of the GDP. Had it not been for the courageous measures to stabilise the macro-economic framework in 2011 and 2012, the level of poverty would be higher. The table below, taken from the same source, presents the evolution of certain basic indicators of well-being for the period 2002-2012.

¹⁶ United Nations Children's Fund (UNICEF) *Poverty and vulnerability of children* (2014) Guinea.

¹⁷ Plan Guinée *Study report on the analysis of the situation of children in Guinea* (August 2011).

¹⁸ Guinean National Institute for Statistics (INS) *Light Survey on the Evaluation of Poverty, elep-2102, final report* (December 2012).

Table 1: Evolution of certain poverty indicators from 2007 to 2012

Indicator	2002	2007	2012
% of primary school children satisfied	34.1	31.2	52.9
% of secondary school children satisfied	37.1	28.4	50.9
Adult literacy rates	28.8	34.5	34
% of households with electricity	19	18.5	18.5
% of households with drinking water	61.9	73.8	67.8
% of households using medical services	18.4	15.8	16.4
% of households satisfied with health services	40.8	50.7	65.9
Unemployment rates	2.9	1.3	3.8
Under-employed rates	11.8	9.1	12.8
% of the population below the poverty line	49.2	53	55.2

4. In 2008, a survey by the National Institute for Statistics¹⁹ indicated that at least 1.6 million children aged less than 14, and more than 1.1 million teenagers/young people aged from 15 to 19 are directly affected by the lack of socio-economic capacity, of information and of education in their families. These children have a very limited access to basic services, including education, health and civil records, and their situation is made worse by socio-cultural pressures.

1.3 Family structure and roles of the various members

Main results of the interviews conducted within the framework of this report, on the roles and responsibilities of family members in certain situations in the lives of the children:

Marriage (including levirate and sororate): The father and the mother may not decide alone about the marriage of their child. Agreement from as many family members as possible is necessary. In case of disagreement, the father and the mother must go along with the majority or risk being marginalised. The child's opinion is only asked for as a matter of form. His or her disagreement can only be taken into account if he or she manages to secure support from influential members of the family. Local chiefs (religious, clan, or village chiefs) regulate the practice and can even impose solutions in some situations.

FGM: The decision is taken by the women (mother, aunt, sister, grandmother). The men are sometimes informed. The child is generally presented with a *fait accompli*, without any forewarning.

Circumcision: The decision is taken by the men (father, brother, uncle, grandfather). The women are generally informed. The child is generally presented with a *fait accompli*, without any forewarning. In the villages, local chiefs (religious, clan, or village chiefs) give their advice about timing and about certain practices.

¹⁹ Guinean National Institute for Statistics (INS) *National Survey on the Nutritional State and the Follow-up on the Main Indicators of Child Survival (ENENSE)* (2008).

Fostering: This is a decision of the nuclear family (father, mother, brothers and sisters). Other members of the larger family, as well as neighbours and local chiefs, are informed. They can offer advice and support as well as practical information on the process and the destination. The child's opinion is sometimes taken into account.

Corporal punishment: Any member of the family in the widest sense may inflict corporal punishment on a child (father, mother, brother, sister, uncle, aunt, grandparents).

Education and protection in general: The nuclear family (father, mother, brother and sister) has the primary responsibility for the protection and education of children. But the whole family in a wider sense (grandparents, uncles) has the duty to be supportive and must compensate for the inadequacies of the nuclear family. Local chiefs (religious, clan, or village chiefs) can make decisions and express opinions which will have an impact on the education and protection of the children, particularly for orphans.

5. A 2011 report by Plan Guinée²⁰ states that:

'[...] the family is the basic unit of society. [...] The family, the clan, the district and the village form the various structures of society. The family extends beyond the people united by narrow links of parenthood, blood relationships, descendants of the same grandfather or the same ancestor. Rather, the family includes all the inhabitants of the same section, the same neighbourhood or the same village. Also, abroad for example, the nationals of the same country spontaneously consider themselves to be members of the same family. Founded on the principle of hierarchy, the elements of a family are presented in the following way: the elderly people, the head of the family, the men, the women, the young people (boys and girls), and finally the children. [...] Concerning specifically the case of children, [...] this right [ED: right to participate] is not at all based on socio-cultural pressures, literacy, or the income level of the families, [...].'

6. According to a document published by the Guinean government in 2011²¹:

'The population is young, relatively poorly educated [...], mainly rural, and employed in agriculture or in the informal sector. [...] The method of social organisation does not often give the status of head of household to women. Thus, 85% of the people live in households directed by a man. Women are heads of households only when they are widows, married to a polygamist who is declared head of another household, or if the spouse is absent. These three situations account for the quasi-totality of households where the head of household is feminine. [...] heads of households, [...] are mainly from a generation of Guineans who had few opportunities to attend school.'

7. People interviewed within the framework of this report indicate that polygamy, sororate, levirate and fostering are common practices in the four natural regions. However, none of the sources consulted provided information on the prevalence of these practices in different regions.

²⁰ Plan Guinée *Study report on the situation analysis of children in Guinea* (August 2011).

²¹ Ministry of the Economy and Finances *Strategy Document for the Reduction of Poverty (2011-2012)* (June 2011).



2 Demographic and statistical data on children

2.1 Total population

8. For almost 17 years, the population of Guinea has been estimated using projections from the results of the Second General Population and Housing Census (RGPH) of 1996. Thus, the estimates provided by different sources depend on the criteria and methods used to make projections, and it is noted that they rarely agree. According to the preliminary report of the 3rd RGPH undertaken in 2014 by the National Institute for Statistics (INS)²² the population of Guinea in 2014 is 10,628,972. This number is lower than the estimates made for preceding years: 11,745,000²³ in 2013 and 11,451,300 in 2012²⁴. This same report of the 3rd RGPH provides the distribution of the Guinean population in 2014, by sex and regions, to be found below:

Table 2: Distribution of population by sex and administrative region in 2014

Administrative region	Male	Female	Total
Boké	527,464	553,981	1,081,445
Conakry	839,607	828,257	1,667,864
Faranah	452,885	489,848	942,733
Kankan	988,459	997,870	1,986,329
Kindia	750,938	808,247	1,559,185
Labé	447,703	548,014	995,717
Mamou	331,721	400,396	732,117
N'Zérékoré	803,311	860,271	1,663,582
TOTAL	5,142,088	5,486,884	10,628,972

²² Guinean National Institute for Statistics (INS) Preliminary results of the 3rd General Population and Housing Census – March 1 2014 to April 2, 2014 <http://www.stat-guinee.org/index.php/res-pre-rgph3> (Accessed 14 July 2014).

²³ UNICEF *The State of the World's Children Report 2015 Statistical Tables* (Nov 20, 2014) <http://www.data.unicef.org/resources/the-state-of-the-world-s-children-report-2015-statistical-tables> (Accessed 15 January 2015).

²⁴ UNICEF *At a glance: Guinea* http://www.unicef.org/infobycountry/guinea_statistics.html (Accessed 25 June 2014).

2.2 Total number of children

9. The preliminary report of the 3rd RGPH²⁵ does not provide the distribution of population in 2014 by age group. In 2013, UNICEF²⁶ estimated the population of the under-18s at 5,746,000. Among all the sources consulted within the framework of this report, the most recent estimate of children distribution by age is a 2012 estimate by the INS, with figures from 2011. The table below comes from that source²⁷.

Table 3: Distribution of the total number of children by age group and sex, as % of total population in 2011

Age group	Male	Female	Total
0 – 4 years	9.1	8.9	17.9
5 – 9 years	8.7	8.4	17.1
10 – 14 years	5.8	5.1	11.0
15 – 19 years	4.4	4.9	9.3

10. Among all the sources consulted within the framework of this report, no data about the distribution of children by region were found. However, one can have an idea of this distribution by using the data in Table 1 of the present document.

2.3 Linguistic, ethnic, religious minorities

11. In a Guinean government report²⁸ of 2008, we read: 'In Guinea, no distinction is made between ethnic minorities, natives and others. All have the same rights and obligations.' According to corroborating sources²⁹, no linguistic, ethnic or religious group has a legal status of 'minority'; however, groups that are numerically greater (Peul, Malinkés, Soussous, Forestiers, Muslims, Catholics) have greater advantages than smaller groups. The great politicisation of the ethnic groups encourages intercommunity conflicts and leads to various situations of intolerance, discrimination, violence and abuse based on ethnicity. However, there are also several cases of inter-ethnic or interreligious marriage.

²⁵ Guinean National Institute for Statistics (INS) *Preliminary results of the 3rd General Population and Housing Census – March 1, 2014 to April 2, 2014* <http://www.stat-guinee.org/index.php/res-pre-rgph3> (Accessed 14 July 2014).

²⁶ UNICEF *The State of the World's Children Report 2015 Statistical Tables* (Nov 20, 2014) <http://www.data.unicef.org/resources/the-state-of-the-world-s-children-report-2015-statistical-tables> (Accessed 15 January 2015).

²⁷ National Institute for Statistics *Statistics Yearbook 2012* (December 2012) (Calculation based on Table 8, population by sex and age).

²⁸ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *First periodic report on the application of the Convention on the Rights of the Child* (February 2008).

²⁹ Leclerc J. "Guinea-Conakry" in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFQ Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014); United States Department of State *Guinea 2013 International Religious Freedom Report* <http://www.state.gov/documents/organization/222269.pdf> (Accessed August 7, 2014).

12. Among all the sources consulted within the framework of this report, no relevant, credible or recent information about the number of children belonging to linguistic, religious, ethnic or native groups has been found.

13. An academic source³⁰ indicates that: '[...] Guineans are divided into close to 40 ethnic groups, each one speaking its own language'. The same source adds:

'Given that the last official census based on ethnic groups dates back to 1955, [...] it is unwise to rely on government statistics. On the basis of unofficial data, we can affirm that the most important groups are constituted of the Peul or Poular (40.9%), of the Malinké or Maninka (28.4%) and of the Soussou (11.3%). Together, these three languages are spoken by more than 80 % of the population. [...]

Whatever the case may be, belonging to an ethnic group is complex in Guinea-Conakry because there are several clusters among these ethnicities due to mixed marriages. Distinctions are made among the Peuls, the Malinkés and the Soussous that are "assimilated", those "related by marriage" and those coming from Forested Guinea. Similarly, the Nalous, the Landoumans, the Bagas, the Moréakés, etc., have been assimilated to the Soussous. [...]. Languages that are numerically less important follow: Kissi (4.4%), Kpellé (4.4%), Toma (2%), Kono (1.3%), Dialonké (0.9%), Koranko (0.8%), Manon (0.8%), Baga and its variations (0.7%), etc.'

14. The 2012 EDS-MICS IV³¹ report states that:

'The distribution of the population according to ethnicity shows that the Peuls (34% of women and 27% of men), the Malinkés (31% of women and 26% of men) and the Soussous (19% of women and 22% of men) are the ethnic majorities. The other ethnic groups nonetheless represent non-negligible proportions: the Guézés (6% of women and 7% of men), the Kissi (5% of women and 5% of men) and the Toma (3% of women and 3% of men). [...] When it comes to religion, results show that the majority of people surveyed declared themselves to be Muslim (87% of women and 85% of men); Christianity is in second position (respectively 9% and 12%). Then come the animists/those without religion/others with 4% of women and 3% of men.'

15. In July 2013, a report by the US government³² indicated that 85% of the population of Guinea is Muslim, 8% is Christian, 7% adhere to traditional beliefs and religions. The Muslims are generally Sunnites. The Christian group includes Roman Catholics, Anglicans, Baptists, Jehovah's Witnesses, Seventh Day Adventists, and several evangelical groups. There is a small Bahai community. There are also small numbers of Buddhists, Hindus, and followers of traditional Chinese religions. Muslims form the majority in the 4 natural regions (regions that are geographically distinct from each other) of the country. Christians are most numerous in Conakry as well as in Maritime Guinea and in Forested Guinea and in the large cities.

³⁰ Leclerc J. "Guinea-Conakry" in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFQ Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014).

³¹ Guinean National Institute for Statistics (INS) MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

³² United States Department of State *Guinea 2013 International Religious Freedom Report* <http://www.state.gov/documents/organization/222269.pdf> (Accessed 7 August 2014).



3 Basic Legal Information

3.1 Conventions on children's and human rights

16. The Republic of Guinea has adhered to several conventions, protocols, treaties or charters at the regional and international level. In particular, the Republic ratified the United Nations Convention on the Rights of the Child (CRC) with Decree No 010/PRG/SGG of March 17, 1990, which was promulgated on April 10, 1990. The table below presents a non-exhaustive list of the legal instruments to which Guinea is a party:

Table 4: Ratified human rights and ILO conventions

Year of Adhesion	International Legal Instrument
1967	Convention relating to the status of refugees and Protocol, signed in New York on January 31, 1967
1969	OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, signed in Addis Ababa on September 10, 1969
1998	The Rome Statute of the International Criminal Court, adopted on July 18, 1998
1999	African Charter on the Rights and Welfare of the Child (ACRWC)
2000	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, in September 2000
2001	Hague Convention of May 29, 1993, on the Protection of Children and Co-operation in Respect of Intercountry Adoption, in December 2001

2003	The International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, in June 2003
2003	ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in June 2003
2004	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in November 2004
2005	Bilateral Accord of cooperation between Guinea and Mali concerning the Fight Against Child Trafficking, on June 16, 2005
2005	The Multilateral Accord of cooperation between Guinea and 8 other states of the sub-region, that is Ivory Coast, Liberia, Burkina Faso, Niger, Mali, Togo, Nigeria and Sierra Leone, on July 25, 2005
2008	The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in February 2008
2011	The Hague Convention October 25, 1980 on the Civil Aspects of International Child Abduction, in November 2011
2011	The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in November 2011
Not available	The Geneva Conventions of August 12, 1949
Not available	The African Union Non-aggression and Defence Pact

3.2 National legislation

17. The Committee on the Rights of the Child (UNCRC)³³ welcomes:

'[...] as positive the adoption of [...] law L2008/011/AN of August 19, 2008 on the Children's Code [...] which intends to harmonize the national legislation with the provisions of the Convention'.

According to the National Directorate for Children³⁴, the amending of this Children's Code which groups all the laws relating to the rights and the protection of children is envisaged for the coming years.

18. The UNCRC³⁵ indicates that:

'While noting the 2006 National Strategy for the Elimination of Harmful Practices and the 2007 National Policy for Preschool Education and Child Protection, the Committee is concerned at the lack of a comprehensive national policy on children which would incorporate all the sectorial policies and strategies.'

³³ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

³⁴ Coordinator of protection activities of the National Directorate for Children (DNE), interview of July 31, 2014.

³⁵ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

According to the Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE)³⁶:

‘Guinea does not have a general strategy document for the protection of the rights of the child.’

The CG/SPDE³⁷ reports that a national policy document for the protection of the child exists. According to one person interviewed within the framework of this report³⁸, this national policy document will soon be replaced by another, entitled ‘Guinean National Policy for the Promotion and the Protection of the Rights and Well-being of the Child (PNPDBE)’, which is in the process of being finalised and validated at the time this report is being written.

3.3 Budget

19. Among all the sources of information consulted within the framework of this report, no precise or up-to-date information has been found concerning the budgetary allocation for the protection of children. The UNCRC³⁹ is concerned:

‘[...] about the lack of specific information on budget allocations for the implementation of the Convention. The Committee is further concerned that the State party does not define specific budgetary allocations for the provision of critical social services to children, including those in the most vulnerable situations.’

A report by the Guinean government⁴⁰ mentions, in 2012:

‘[...] the weak allocation of financial resources to the state structures, including the Guinean Committee for the Follow-up on the Protection of the Rights of the Child. [...]’

In the same report, we read:

‘[...] the government has introduced two lines in its national budget, the support fund for children and the support fund for the CG/SPDE. In practice, up to now, these funds were used for tracing abandoned children, for family reunification of non-accompanied displaced children, and the functioning/furnishing of the CG/SPDE. [...] Funds have been transferred to orphanages to pay for the feeding of those living there.’

³⁶ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Alternative/complementary additional report of the NGOs on the Convention on the Rights of the Child (CRC) in Guinea, presented by the COLTE/CDE to the UN Committee for the Rights of the Child* (January 2013).

³⁷ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

³⁸ Coordinator protection activities of the DNE, interview of July 31, 2014.

³⁹ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

⁴⁰ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

In a 2013 report, however, the COLTE/CDE⁴¹ claims that: 'The Coalition does not dispose of detailed information on the existence of support funds for children. In our opinion, there is no support fund provided by the state for destitute families. On the other hand, we note the implementation of support programmes by partners such as UNICEF, Plan Guinée and Guinea Child Fund.'

A spokesperson for the DNE⁴² claims that, in the National Investment Budget (BNI), funds have been allocated annually for the implementation of a national strategy. The main sections of this budget are, according to this source, equipment, vehicles, training of staff, and follow-up activities. No figures were provided by this source.

3.4 Government child rights coordination

20. From different sources consulted within the framework of this report, it has emerged that the major structures and organisations for the protection of children put into place by the state are:

- The Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE), created by presidential decree in January 1995. Composed of representatives of several ministries, it has been known since 2014 as the Guinean Committee for the Follow-up on the Rights of the Child (CGSDE).
- The Coordination Unit for Activities for Minors in Conflict with the Law (MCLU), composed of government services and NGOs.
- The National Committee against Human Trafficking composed of government services and NGOs (CNLTP). In some documents, it is also called National Committee against Human and Child Trafficking (CLNTPE).
- The Standard Measure for the Protection of Children (DSPE) is a mechanism that covers all levels of the administrative organisation. At the central level, there is the CGSDE, and at the level of the regions, there are Regional Coordination Units for the Protection of the Child (CRPE). These are composed themselves of several Prefectural Committees for the Protection of the Child (CPPE). The CPPEs consist in turn of Local Councils for the Protection of Children (CLPE) at the borough level, and Local Councils for the Child and the Family (CLEF) at the level of neighbourhoods and districts. The framework document that the Ministry for Social Action, and the Promotion of Women and Children (MASPFE) worked out in 2014, integrated at the village and sector level, the Village (or sector) Council for the Protection of the Child (CVPE) into this mechanism. The CVPEs were widely established and made operational in the villages and sectors affected by Ebola. The DSPE is sometimes called Protection of the Child System in Guinea (SYPEG).

21. The main government services for the protection of children are:

- The National Directorate for Preschool Education and the Protection of the Child (DNEPPE), renamed National Directorate for Children (DNE) in 2014. This is the main public service in charge of matters relating to children. It is a directorate of the Ministry for Social Action, and the Promotion of Women and Children (MASPFE).

⁴¹ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Alternative/complementary additional report of the NGOs on the Convention on the Rights of the Child (CRC) in Guinea, presented by the COLTE/CDE to the UN Committee for the Rights of the Child* (January 2013).

⁴² Coordinator of protection activities of the DNE, interview of July 31, 2014.

- The National Directorate for the Promotion of Women and Gender (DNPFGE), which is responsible, at the level of MASPFE, for the problems regarding women, including girls.
- The Office for the Protection of Gender, Children and Morals (OPROGEM) is a service of the Ministry of Security. It is responsible for coordinating investigation on all forms of violation of the rights of children and women; for sharing and distributing data about the identities of those who commit these violations, and their accomplices, throughout the national territory and beyond.
- The Directorate for Judicial Investigations (DIJ) is a service of the National Gendarmerie, of which the Protection of the Child Division is charged, like OPROGEM, with leading investigations about violations of the rights of the child.

Some non-governmental organisations active in Guinea for the protection of the rights of the child

- Action Against the Exploitation of Children and Women
- Action against Hunger
- Aide to the African Family (AFA)
- Association "Mother and Child"
- Association for the Assistance to Displaced Persons and Refugees (ASWAR – Guinea)
- Association for the Children and Young Workers of Guinea (AEJT-G)
- Guinean Association of Social Workers (AGUIAS)
- "Let's Save Disinherited Children" Association (ASED)
- National Coordination Unit on Traditional Practices (CPTAFE)
- Saint Joseph Centre
- ChildFund
- Friends of the World Club (CAM)
- Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE)
- Tiemo and Mariam International Foundation (FITIMA)
- Helen Keller International (HKI)
- Youth Action Development (JADE)
- Saint Egidio Community
- Same Rights for All (MDT)
- Le Monde des Enfants
- Village SOS
- The Salesien Sisters
- Doctors without Borders
- Catholic Organisation for Human Promotion (OCPH)
- Guinean Organisation for the Defence of Human Rights and of the Citizen (OGDH)
- Guinea – Plan International
- Sabou Guinea
- Save the Children
- International Social Service (Switzerland and West Africa)
- SOS minors in prison – hopes without borders
- Terre des Hommes

22. The UNCRC⁴³ is however concerned:

‘[...] that this Committee lacks a clear mandate, the necessary authority and resources to effectively carry out its role. The Committee also regrets that despite the existence of the Local Protection Committees for Childhood and Families at local level, coordination between central and local communities remains inadequate due mainly to the absence of formal protocols between coordinating actors in the child welfare sector and to persisting conflicts of competencies in relation to the implementation of its decentralization’.

3.5 Independent national human rights institutions

23. According to people who were interviewed within the framework of this report⁴⁴, the Children’s Code⁴⁵ does not provide for an independent national mediator specifically for children. On the other hand, in article 335 and following articles, it does provide for the nomination of a mediator for children at the level of each prefecture, to be appointed by the Ministry for Social Action, and the Promotion of Women and Children, from among the civil servants, taking into account their interest for matters regarding children and their qualifications. According to these same people, as of now, no prefectural mediator has yet been appointed. However, while this corresponds to no legal measure, a national mediator for children has been appointed by the Ministry for Social Action. This mediator intervenes sporadically in advocating and in fund-raising activities. Moreover, there also is an Ombudsman appointed by presidential decree, who however has not been designated specifically for children and is more concerned with the functioning of Public Administration. The creation of a national institute for human rights has also been foreseen.

According to the Guinean government⁴⁶:

‘[...] measures are in the process of being taken to appoint them [ED: the prefectural mediators] shortly. As far as the national institution for the defence of human rights is concerned, the technical and financial partners (notably the United Nations High Commissioner for Human Rights, the UNDP and the European Union) support the new National Assembly and the Government in the process for the creation and the functioning of this institution’.

The UNCRC⁴⁷ is concerned by:

‘[...] the absence of a functional independent national human rights institution in the State party to monitor the complete realization of all the rights enshrined in the Convention’.

⁴³ Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

⁴⁴ Head of the “Child in danger, placement and adoption” section of MASPFE, interview of July 29, 2014; Coordinator of protection activities of the DNE, interview of July 31, 2014; Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014.

⁴⁵ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁴⁶ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

⁴⁷ Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

24. An official of the Ministry in charge of Human Rights in Guinea⁴⁸, when interviewed within the framework of this research, claimed that the Ministry for Human Rights and Public Liberties had just established an Observatory for Human Rights consisting of representatives from the ministries and public institutions dealing with human rights, as well as from those in civil society active in the area of human rights. This observatory will consist of four sections, of which one is dedicated to the rights of women and children.

3.6 Non-governmental and civil society organisations

25. Plan Guinée⁴⁹ indicated in 2011 that since 2007, there has been an NGO coordination mechanism entitled “Coalition of NGOs for the Protection of the Rights of the Child and the Fight against Trafficking (COLTE/CDE)”. According to an official of the COLTE/CDE⁵⁰, this organisation included in July 2014 around thirty national and international NGOs operating in the field of childcare in Guinea as active members. It has 8 regional branches set up in the regional capitals of the administrative regions and in Conakry. It is active in advocacy and in the follow-up on the application of the rights of the child, and develops complementary/alternative reports about the implementation of the international conventions and protocols in which Guinea is a State party. It represents civil society in relation to certain follow-up mechanisms on agreements and protocols. It organises training for those engaged in children protection.
26. According to concurring sources⁵¹, organisations such as Terre des Hommes (TdH), UNICEF, UNFPA, Child Fund, Plan Guinée and the COLTE/CDE have been regrouped within the Coordination of Non-state Actors engaged in the Child Protection Sector (CANEPE).

3.7 Justice for children

27. In the Children’s Code⁵², articles 287 to 301 are dedicated to the protection of the child in danger, and articles 310 to 324 are dedicated to the legal protection of the child. According to article 310 of this code, legal protection of the child is ensured by jurisdictions for minors as follows: i) the Judge for Juveniles; ii) the Children’s Court; iii) the Special Chamber for Minors at the Appeal Court; and iv) the Criminal Court for Minors.
28. According to a UNICEF report⁵³, while a juvenile court was set up in 2008 in Conakry, the capital, several cases of juvenile justice are still handled by ordinary courts. The Conakry juvenile court is sometimes paralysed by the absence of assessors in the audiences (due to lack of pay) as well

⁴⁸ Legal advisor of the Ministry for Human Rights and Public Liberties, interview of October 3, 2014.

⁴⁹ Plan Guinée *Study report on the situation analysis of children in Guinea* (August 2011).

⁵⁰ Coordinator of COLTE/CDE, interview of July 28, 2014.

⁵¹ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Submission for the Universal Periodic Review (UPR) of GUINEA on the rights of the child* (July 2014); Terre des Hommes (TdH) *Preventing, detecting and fighting violence inflicted on children in care centres in Guinea* (Project proposal submitted to the EU in 2013); National Directorate for Children (DNE) *National Policy for the Promotion and the Protection of the Well-being of the Child* (working document, July 2014); Coordination of Non-state Actors engaged in the Child Protection Sector (CANEPE) *Minutes of the meeting on January 5, 2013*.

⁵² Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁵³ UNICEF, Weidkuhn U. *WCARO Consultancy Justice for Children (Juvenile Justice): Country Visit Report Guinea* (November 2013).



as by the lack of equipment and supplies. According the same source, there is a Special Chamber for Minors at the Conakry Appeal Court. The Special Criminal Court for Minors does not function fully. Outside of the capital city, there are no special courts for children, although there are judges designated specifically for children at each court.

29. The High Commissioner for Human Rights (HCHR)⁵⁴ reports the statements by the Guinean governmental delegation to the Committee on the Rights of the Child as follows:

' [...] the juvenile court works, as the statistics relative to its activity show. This juvenile court remains nonetheless faced with a certain number of problems regarding its composition and its premises. Indeed, it is a Court of First Instance, or lower court, which houses the Children's Court [...]. The Children's Court does not have a sentence enforcement judge, and that is one of the major difficulties with which this tribunal is faced [...].'

30. Corroborating sources indicate that law enforcement in regards with juvenile justice is very partial, and that children's protection in the legal system displays many inadequacies. The UNCRC wrote in 2013⁵⁵:

'The Committee expresses deep concern that detained children are often subjected to ill-treatment or torture in police stations so that they may confess the commission of an offence (...). Outside

⁵⁴ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

⁵⁵ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session* (14 January–1 February 2013).

of the capital, the courts and the judges, prosecutors and professionals are not specialized; Children are placed in pre-trial detention for long periods of time until the “cour d’assises” (ED: Criminal Court) can consider their case; trials are held in public hearings, and children are rarely provided with legal assistance due to the shortage in the number of lawyers’.

In 2013, the COLTE/CDE⁵⁶ reported that: ‘There is still no Criminal Court for children. Children in conflict with the law are detained during several years before being judged. There are no detention/re-education centres specifically for children who have been sentenced.’

3.8 Birth registration

31. Articles 157 to 160 of the Children’s Code⁵⁷ set out that:

‘Birth registration will be made within six months of delivery to a civil status official of the place of birth.

However, for births that have taken place outside the communal boundary, or in a foreign country, this deadline is extended to eight months. When a birth has not been registered within the legal limit, the civil status official may not indicate it on his registers unless there has been a judgement passed by a competent jurisdiction of the prefecture in which the child was born, and a summary note of the date of birth will be made in the margin. [...]

The birth of a child will be reported by the father and/or the mother or relatives, by doctors, midwives or other people who were present at the delivery, and when the mother has given birth away from home, by the person in whose dwelling she gave birth. The birth certificate will be drawn up immediately. [...] In hospitals, maternity hospitals or public or private health institutions, a special register is maintained, listed and initialled, in which the births that have taken place there are immediately noted by date order.’

32. The UNCRC⁵⁸ wrote in 2013:

‘[...] While welcoming the numerous measures taken by the State party to increase birth registration rates, including through the creation of a National Directorate for Civil Status in 2011, the Committee is however concerned that only a third of children are registered at birth. The Committee regrets that the National Directorate for Civil Status has not been adequately equipped to fulfil its mandate. It is also concerned about the difficult access to registration centres due to their location as well as the cost incurred to obtain registration certificates, which constitutes a significant obstacle, especially for poor families.’

⁵⁶ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Alternative/complementary additional report of the NGOs on the Convention on the Rights of the Child (CRC) in Guinea, presented by the COLTE/CDE to the UN Committee for the Rights of the Child* (January 2013).

⁵⁷ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁵⁸ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.



33. In 2012, a report by a joint mission from Belgium, France and Switzerland⁵⁹ indicated that:

‘The Guinean administration suffers from serious malfunctions due notably to a lack of financial, human and material means, to management difficulties of various institutions, and to generalised corruption. [...] A certain number of documents, while authentic, may contain blatant anomalies. This can also be the case for documents of civil status. It is not rare that civil servants, for lack of training or because of organisational difficulties, make mistakes in the documents that they are preparing. This can also be the case for rulings or judiciary police documents, due to lack of knowledge of the laws and regulations that apply, or even incompetence on part of the authorities that have issued them. This is how rulings or police documents may, for example, mention offences that do not even exist in Guinean criminal law, or even designate objects rather than people as the perpetrator [...]. Finally, it must be pointed out that there is no or little possibility to check the authenticity or the regularity of the procedure for obtaining documents from the authorities. On the one hand, the registers, when they exist, are not computerised, and the archive system is non-existent or faulty. On the other hand, requests of this nature addressed to the various administrations involved often remain unanswered.’

⁵⁹ Belgium – France – Switzerland Cooperation, Joint mission of CGRA, of OFPRA and of ODM *Report on the Mission to the Republic of Guinea, October 29 - November 19, 2011* (March 2012).

The same source specified that the practice of establishing “real-fake” civil status documents is common, and that ‘the auxiliary rulings on birth registration are, altogether, deemed doubtful to the extent that they are issued “on demand”, without any verification, only on the basis of the testimony of two people’.

34. In March 2014, a UNICEF study⁶⁰ described the situation of birth registration in Guinea in these terms:

‘Guinea has almost twice the birth registration rate, 57.9% (2012), that one might expect in relation to a revenue of 460 USD [ED: per year] per capita (31%). However, a high number of children (one out of four) do not possess a birth certificate. In Guinea, to be registered without having a birth certificate is almost equal to not being registered at all. Delayed registration (half a year or more) may also NEVER take place in four cases out of five. The total number of unregistered children under 5 is estimated to be 821,000 (2014), and the total number without birth certificate is estimated at 1,141,000. For those under 18, estimate countrywide are 2,489,000 unregistered and 3,459,000 without birth certificates.

There are thus serious concerns both about the current quality of registration, as well as about errors in the filling out of forms (because of a lack of checks) and the care taken in the archiving of records for permanent keeping. [...] in the 2000s, there was first a decline in the birth registrations rate, followed by a rise. However, it has still not yet reached the level of 1999. In Guinea, differences between birth registration rates in urban and rural areas are expected, much greater than those of the group of countries (LDCs), to which Guinea belongs. The differences between regions are considerable. The “problem of missing birth certificates” in some regions is significant. The gap between the rich and the poor is striking when compared with other countries. This may be an indication that the costs of birth registration, direct and indirect, legal and illegal, deprive the poorest citizens of a legal identity, and are a source of discrimination. One of the main organisational obstacles is the lack of central checks [...]. The current national responsibility for civil status is shared in an opaque way between local government, courts and the Ministry of Health, and remains to be better defined.’

35. Several people who were interviewed because of their knowledge of village practices⁶¹ pointed out that, in the villages, births are registered by a community agent in a “village record”. At Foutah, registration is generally done at the earliest on the day of the traditional baptism, during which the child receives a name (seventh day after birth), while in Forested Guinea, registration is done immediately. It is often the father who reports the birth. According to the law, births must be registered within a maximum of 6 months. Under some circumstances, this deadline can be extended to 8 months, in accordance with articles 157 to 160 of the Children’s Code⁶². Children who have not been registered within the legal deadlines can have the justice system pass an auxiliary ruling. Obstacles to birth registration and obtaining birth certificates that villagers encounter are:

⁶⁰ United Nations Children’s Fund (UNICEF), Ministry of Territorial Administration and of Decentralisation, Civil Registration Centre for Development—CRC4D *Analysis and recommendations for the improvement of Civil Status Registry in Guinea for the government and for UNICEF* (March 2014).

⁶¹ Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014; Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014; Head of the Sabou Guinea Office in Labé, interview of August 5, 2014; Head of a District at the Ratoma municipality, interview of August 9, 2014.

⁶² Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

- i) Lack/unavailability of qualified staff to keep the village records.
- ii) The real cost of obtaining a birth certificate, which can reach around 5,000 GNF⁶³, and the isolation of villages in relation to the health centres (which encourages births outside the health structures). Registration rates are low.

36. From the sources consulted within the framework of this report, no case was found of a child born in Guinea who could have requested and obtained a copy of the birth certificate while living abroad. However, this does not mean that such cases do not exist.
37. Some sources⁶⁴ indicate that, in order to improve registration rates, registration and regularisation campaigns are organised occasionally, either at national, at regional, or even at the prefecture level. During these campaigns, registration is free. The goal of these campaigns is generally to register all births that have taken place over the previous six months, and to pass auxiliary rulings should such cases exist.

3.9 Legal age of majority

38. Article 443 of the Civil Code⁶⁵ indicates that the age of majority is set at 21 years; at this age, one is capable of all acts of civil life.

3.10 Age of legal competence

39. Article 168 of the Children's Code⁶⁶ indicates that any legal act undertaken by a person under the age of 18 years, without intervention of his or her legal representative (administrator or guardian) is null and void, apart from exceptions established by the provisions of the Civil Code⁶⁷.
40. Articles 268 to 276 of the Children's Code⁶⁸ deal with the legal emancipation of the child. The emancipated child is capable, as one who has reached majority, of all acts of civil life and ceases to be under the authority of his or her parents. The latter are no longer responsible for the damages that he or she may cause to others after his or her emancipation. A child is fully emancipated through marriage. A child, even unmarried, could be emancipated when he or she reaches the age of 16. He or she must nevertheless, to marry or to be adopted, observe the same rules as if he or she were not emancipated.

⁶³ Roughly 0.5€ (2015).

⁶⁴ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012); Head of a District at the Ratoma municipality, interview of August 9, 2014.

⁶⁵ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

⁶⁶ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁶⁷ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

⁶⁸ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

3.11 Identity and travel documents

41. In practice, according to several people who were interviewed within the framework of this report⁶⁹, a child may travel within the boundaries of the national territory with the school identity card issued by the school he or she attends. A birth certificate is sufficient for children who have not reached school age (7 years). Within the Economic Community of West African States (ECOWAS⁷⁰), a child may travel with a pass issued by the immigration services or consular services. Beyond the ECOWAS, the child must possess a passport issued by the consular or the immigration services. One interviewee pointed out the case of an 11-year-old who held a personal passport⁷¹. In the host country, the consular services may issue a pass to any person who provides proof of his or her Guinean nationality (Guinean citizen). In his or her country of origin, the identity card is issued by the police stations to those who provide a birth and a residence certificate.

42. In a report written in March 2014, UNICEF⁷² states:

‘The extent of the coverage of the national identification system is unknown. The number of police stations that can issue national identity cards is limited, their equipment is obsolete, and in 2013, the special paper used for the national identity cards was out of stock for seven months [...]. In the village of Guerrisoriaya, it was pointed out that less than 10% of the villagers aged 16 (the age at which national identity cards can be issued) or older have a national identity card. The national identity card is hardly necessary in daily life, according to the villagers. That the country allows itself not to be able to issue national identity cards for over a period of seven months is indeed a sign that the national identity card cannot be a compulsory document as it should be.’

43. Within the framework of this report, cases of non-accompanied children residing abroad and who have obtained identity documents from the consular services of the country in which they are living have been observed. Generally, however, they obtained these documents with the assistance of social workers in the host country.

44. According to article 366 of the Children’s Code⁷³:

‘No Guinean child under 18 may leave the national territory if he or she does not have a special authorisation from the authorities of her/his place of residence, covered by the agreement of her or his parents, guardian or the person looking after the child.’

⁶⁹ Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014; Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014; Head of the Conakry District for Sabou Guinea, interview of July 28, 2014; IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

⁷⁰ The ECOWAS numbers 15 member states: Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

⁷¹ Head of a District at the Ratoma municipality, interview of August 9, 2014.

⁷² UNICEF, Ministry of Territorial Administration and of Decentralisation, Civil Registration Centre for Development—CRC4D *Analysis and recommendations for the improvement of Civil Status Registry in Guinea for the government and for UNICEF* (March 2014).

⁷³ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

However, Sabou Guinea⁷⁴ reports cases of more than forty children who have left Guinea without the necessary documents and who received no penalty upon their return. Among all the sources consulted within the framework of this report, no information relating to a text about penalties for a child in this situation could be found.

3.12 Voting age

45. Article 3 of the Electoral Code stipulates that:

‘All Guineans aged 18 on the day of election, are voters, enjoying their civil and political rights, regardless of the provisions of Article 444 of the Civil Code⁷⁵, and not being in any case of legal incapacity provided by the existing legislation.’

However, in practice, one source⁷⁶ reported having observed minors who voted during the legislative election of 2013.

3.13 Age of deprivation of liberty

46. Article 338 of the Children’s Code⁷⁷ indicates that criminal responsibility is established at age 18. Article 61 of the Criminal Code⁷⁸ states that a minor of less than 13 years to whom a crime or a misdemeanour is attributed can only, depending on the case, be subjected to care, monitoring, re-education or assistance measures ordered by the President of the Court ruling in closed session. Articles 339 to 346 of the Children’s Code⁷⁹ distinguish at the criminal level between several categories of children according to their age: minor between 10 and 13, minor between 13 and 16, minor between 16 and 18, minor between 13 and 18.
47. According to articles 338, 339 and 341 of the Children’s Code⁸⁰ as well as articles 698 and following of the Code of Criminal Procedure⁸¹, there are, depending on the minor’s age, several provisions relating to the competence of the jurisdictions for children, and several measures that could be applied:

⁷⁴ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

⁷⁵ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

⁷⁶ Election observation mission of the European Union in the Republic of Guinea *Final report – legislative election* (28 September, 2013).

⁷⁷ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁷⁸ Criminal Code of the Republic of Guinea, Law n° 98/036 of December 31, 1998, on the Criminal Code <https://sites.google.com/site/guineejuristes/CODEPENAL.pdf> (Accessed 11 January 2015).

⁷⁹ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁸⁰ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁸¹ Code of Criminal Procedure of the Republic of Guinea, Law n° 037/AN/98 of December 31, 1998, on the Code of Criminal Procedure <https://sites.google.com/site/guineejuristes/CODEPP.pdf> (Accessed 5 January 2015).

Table 5: Competent jurisdictions and applicable measures by age group

Age group	Competent jurisdiction	Applicable measures
Under 10 years old	<ul style="list-style-type: none"> Judge for Juveniles 	<ul style="list-style-type: none"> Not subjected to legal classification and prosecution
10 to 13 years old	<ul style="list-style-type: none"> Judge for Juveniles 	<ul style="list-style-type: none"> Can be prosecuted Cannot be detained (custody and prison) Protection, assistance, monitoring and education measures provided by the law, warnings, etc.
13 to 18 years old	<ul style="list-style-type: none"> Judge for Juveniles: for investigation Children's Court: for misdemeanours committed by children aged 13 to 18 and crimes committed by children aged 13 to 16 Criminal Court for Minors: for crimes committed by children between 16 and 18 	<ul style="list-style-type: none"> Can be prosecuted Can be detained but as a last resort Protection, assistance, monitoring and education measures provided by the law Probation, community service, etc.

48. In 2013, the UNCRC⁸² wrote: 'Deprivation of liberty is the most common sentence for children in conflict with the law, including for children as young as 13 years old'.
49. Cases of deprivation of liberty in violation of the law have been reported several times by the online media. For example, in June 2014, the Guinean news website *AfricaGuinée.com*⁸³ published an article relating to the detention of a teen under 15 who had been committed for two weeks to the Central Prison of Conakry for having kept a falsified picture of the President of the Republic on his phone. In an article published on May 22, the Guinean news website *GuinéeNews.org*⁸⁴, when reporting comments made by the Guinean Minister for Human Rights and Public Liberties, writes:

'Gassama Diaby says he has observed an overpopulated Central Prison. In fact, built by French colonists at the beginning of the 20th century to house a prison population of 300, the Central Prison today houses more than 1,200 prisoners. According to the Minister's observations, minors share cells with adult detainees. Delinquents live side by side with criminals. Defendants have spent more than 10 years there without having ever seen a judge. Women live there with their babies. In cells of two square metres, there are more than ten detainees. Normal men cohabit with the mentally ill.'

Note that the topic of children in conflict with the law is discussed in this report, in section 8.1.

⁸² Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

⁸³ *Africaguinée.com Conakry Prison: Now free, young Kindy Barry, committed because of a falsified picture of President Condé, recounts his ordeal* <http://www.africaguinee.com/articles/2014/06/27/surete-de-conakry-libere-le-jeune-kindy-barry-ecroue-cause-d-une-photo-truquee> (Accessed 28 June 2014).

⁸⁴ *GuinéeNews.com Conakry Prisons: Gassama Diaby's "indescribable" observations* <http://guineenews.org/prisons-de-conakry-le-constat-indescriptible-de-gassama-diaby/> (Accessed 10 January 2015).



4 General principles

4.1 Non-discrimination

50. The law recognises rights to all children, without discrimination. Article 2 of the Children's Code⁸⁵ provides that:

'Every child has the right to benefit from the rights recognised by the present Code without distinction of race, ethnic group, colour, sex, language, religion, political membership or other beliefs, of national or social origin, of wealth, state of health, conditions of birth or other status, and without distinction of the same kind for her/his parents or legal guardian [...].'

51. In 2013, the UNCRC⁸⁶ indicated that:

'it is however concerned about: (c) the persisting discrimination in the Children's Code on the grounds of the parents' marital status at birth.'

It adds that it acknowledges:

'the State party's efforts to eliminate discrimination against children in situations of vulnerability, including children with disabilities, children living in rural areas, children living in poverty, refugee

⁸⁵ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

⁸⁶ Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

children and children born out of wedlock. The Committee, however, notes with concern that these measures remain insufficient to significantly improve education and health service delivery to these children’.

The Civil Code⁸⁷ too does not give some rights to illegitimate children, adulterous children, or incestuous children. However, it does not define these categories of children. For some people interviewed in the framework of this report, the terms adultery, incest and illegitimate have the same meaning. For others, they represent different concepts: an illegitimate child is one born out of wedlock, an adulterous child is one born following adultery, and an incestuous child indicates one born following incestuous sexual relations. In 2011, the Guinean government⁸⁸ reported that:

‘In the values and customs of the Muslim community, which represents more than two-thirds of the population, the illegitimate, adulterous or incestuous child has no inheritance rights with respect to his or her presumed father, sometimes even if the father has officially acknowledged him/her. In terms of customs, girls inherit nothing from their fathers, even though the law makes no discrimination based on gender.’

52. In 2012, the Guinean government⁸⁹ reported cases of discrimination, citing a study carried out by UNAIDS, but without giving references, and according to which:

‘24,000 orphans and vulnerable children, targeted for care in 2008, suffer from serious discrimination in their nearby environment, but also within their community.’ [ED: The source does not specify if this includes orphans of a single parent.]

53. According to UNICEF⁹⁰, in some cases, infected children or children whose parents are infected with Ebola are faced with discrimination and rejection.

According to a Plan Guinée study⁹¹ published in 2013, children with disabilities are frequently faced with discriminatory attitudes, bringing stigmatisation, marginalisation, abandonment and abuse. They are often victims of verbal violence by being ridiculed, teased, physically abused and rejected by adults and other children. According to the same source:

‘Discriminatory attitudes and behaviour towards children with disabilities are largely linked to the type and/or seriousness of disabilities. For example, discriminatory attitudes are more pronounced towards children who suffer from visual or mental disabilities, while they are less pronounced towards children living with a physical disability. Also, girls with disabilities are more vulnerable and more marginalised than boys with disabilities. In general, girls are more vulnerable and at risk of mistreatment, abuse, rape and unwanted pregnancy.’

⁸⁷ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

⁸⁸ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

⁸⁹ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

⁹⁰ Comments on the draft of this report by the Head of the Protection Section of UNICEF Guinea.

⁹¹ Plan Guinée, International Centre for Disability and Rehabilitation (ICDR), University of Toronto *Access to Education and the Protection of Girls and Boys with disabilities in Guinea – A qualitative, descriptive study* (March 2013).

Also according to the same source:

‘Attitudes towards and treatment of children with disabilities are progressively improving, enabling children with disabilities to participate more actively in social and educational activities.’

54. In 2012, the Guinean government⁹² indicated that in Guinea:

‘[...] macho behaviour and stereotypes deeply rooted with respect to the roles, responsibility and identity of children, women and men in all aspects of life are persistent and widespread. Such norms, customs and practices justify and perpetuate discrimination and violence towards children and women, including violence to girls and the persistence of harmful traditional practices, such as alimentary taboos, underage and forced marriage, and levirate.’

In 2013, the UNCRC⁹³ raised concern about:

‘The existence of a plural legal system which includes customary law that results in discrimination particularly against girls and encourages harmful practices’.

It also expresses:

‘Serious concern that girls are still subjected to gender-based discrimination from the earliest stages of their life through their childhood due to the persistence of adverse and traditional attitudes and norms. The Committee is also concerned that no systematic efforts have been undertaken, including with religious leaders, opinion makers, and the mass media, to fight against and change discriminatory attitudes and practices concerning the tasks and roles of women and girls’.

55. A 2013 report of by the US government⁹⁴ indicates that the constitution of the Republic of Guinea protects freedom of religion. According to this report, practices such as interreligious marriage and inter-confessional schools favour religious freedom, but discrimination based on religion and beliefs still exists. According to the same source, there are pressures aimed at discouraging the conversion of Muslims to other religions. The same source cites two incidents linked to religious intolerance: i) in Foutah, a woman was unable to attend the funeral of her Muslim husband because she was a Christian and has been rejected by the family of her Muslim husband; ii) a priest was not granted permission by the authorities to build a church in Dingiraye, a city which is considered to be a holy city by the Muslims.

56. According to report by the Guinean government⁹⁵ dating from 2008:

‘In the country, distinction is not made between ethnic minorities, natives, and others. All have the same rights and obligations.’

⁹² Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

⁹³ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

⁹⁴ United States Department of State Guinea 2013 *International Religious Freedom Report* <http://www.state.gov/documents/organization/222269.pdf> (Accessed 7 August 2014).

⁹⁵ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *First periodic report on the application of the Convention Relative to the Rights of the Child* (February 2008).

An academic source⁹⁶ indicates that paragraphs 4 and 5 of article 1 of the constitution of the Republic of Guinea of April 19, 2010, provide that:

'[...]

4) The official language is French.

5) The State ensures the promotion of the cultures and languages of the people of Guinea.'

The same source indicates that paragraphs 2 and 3 of article 25 of the constitution also provide that:

'[...]

2) The State must integrate the rights of the human being in literacy and education programmes of the various school and university cycles, as well as in the training programmes of all armed forces, public security forces and equivalent.

3) The State must equally ensure the dissemination and teaching of these same rights in the national languages through all means of mass communication, in particular by radio and television transmission.'

57. A 2008 report by the Guinean government⁹⁷ indicates that, in the country, there are 24 languages, of which eight are codified and used in education and training of adults on top of French. In practice, according to an academic⁹⁸:

'Despite the fact that little place is given to national languages in education, the Guinean government seems convinced that these must still play a large role in the promotion of the national culture. It has taken several measures to promote the national languages. Furthermore, when there is a shortage of qualified teachers, it can happen that, in rural areas and small classes, school is taught in the local language.'

The Guinean media are broadcasted in French and in several national languages. Local radio stations, called "rural radios", give priority to the national languages. In each of the four geographic regions, there is a radio station with independent, local production and programme schedule. All recorded languages of each municipality are used on the radio station. The linguistic policy of Guinea-Conakry is pragmatic. It is based on the fact that the State administration is monolingual in French, including in schools, but becomes multilingual for spoken language, or what one might call 'strategic multilingualism', for everything regarding services to the population: conversations with public servants, in courts, the electronic media, etc.'

According to the same source, pre-primary or preschool education is generally given in the mother tongue of the child (Peul, Malinké, Soussou, Kissi, Kpellé or Toma), but may also be offered in French.

58. Among all the sources consulted within the framework of this report, no information relevant to inequalities of access to basic social services based on ethnic or religious affiliation could

⁹⁶ Leclerc J. "Guinea-Conakry" in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFO Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014).

⁹⁷ National Literacy Service *National Report of the Republic of Guinea* (June 2008).

⁹⁸ Leclerc J. "Guinea-Conakry" in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFO Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014).

be found. However, this does not mean that such cases/situations do not exist. Corroborating sources indicate that there are inequalities in the access to basic social services between different communities. According to one source⁹⁹, in Forested Guinea, access to education was negatively affected by intercommunity violence in July 2013 (schools destroyed, absent teachers). Corroborating sources¹⁰⁰ indicate that in Upper Guinea, in Forested Guinea and in Foutah, there are several isolated communities for which the nearest basic social services are located several tens of kilometres away. In several rural communities, schools and health centres are underequipped and do not have all the necessary staff.

59. According to a 2010 report of the United States Embassy, in Conakry¹⁰¹:

‘There is no law that criminalises sexual orientation, although there exist deep social, religious and cultural taboos with respect to homosexuality. Nor has there been an official report from an NGO on people facing discrimination based on their sexual orientation. However, during the inauguration of the UN Office for Human Rights at Conakry, the Prime Minister shared his conviction that homosexuality was an evil and should be forbidden by law. He also stated that sexual orientation should not be considered as a fundamental human right. No lesbian, gay, bisexual or transgender organisation was active during that year, even as there were no legal restriction on the functioning of such groups.’

60. Article 325 of the Criminal Code¹⁰² provides that:

‘All indecent or unnatural act committed with an individual of the same sex will be punished by imprisonment of 6 months to 3 years and with a fine between 100,000 to 1,000,000 Guinean francs.

If the act was committed with a minor of less than 21 years of age, the maximum penalty will always be imposed.

If the act was undertaken or attempted with violence, the guilty party will be sentenced to criminal imprisonment between 5 to 10 years.’

61. A Guinean news website indicates in an article published on February 13, 2014¹⁰³:

‘Imam Salifou Camara [ED: the Grand Imam of the main mosque in Conakry] spoke of his indignation of the practice of homosexuality, which is contrary to the ideals of Islam and of Christianity. [...] In Guinea, the phenomenon, still at an embryonic state, is all the same present. Homosexuals united within an informal association, the Union of Homosexuals of Guinea (UHG), want to go further in defending gay rights.

⁹⁹ Office of the High Commissioner for Human Rights (OHCHR) *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea* (11 February 2014) <http://www.refworld.org/pdfid/53341e064.pdf> (Accessed August 9, 2014).

¹⁰⁰ Group of people coming from Forested Guinea, now residing in Conakry, interview of August 18, 2014; Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014.

¹⁰¹ United States of America Embassy, Conakry 2010 *Report on human rights: Guinea* <http://french.guinea.usembassy.gov/2010rdh.html> (Accessed 14 January 2015).

¹⁰² Criminal Code of the Republic of Guinea, Law n° 98/036 of December 31, 1998, on the Criminal Code <https://sites.google.com/site/guineejuristes/CODEPENAL.pdf> (Accessed 11 January 2015).

¹⁰³ Aminata.com “*Mankind must fight homosexuality*”, says Grand Imam Elhadj Mamadou Salifou Camara <http://aminata.com/lhumanite-doit-combattre-lhomosexualite-dit-le-grand-imam-elhadj-mamadou-salifou-camara/> (Accessed 14 January 2015).

That said, homosexuals pay the price of their choices: public humiliation, beating, repression by strangers. Still remembered is the mythical disappearance of Amadou Camara in Bandjou Kaba in the Kankan region, which had sparked controversy and debate in the social media: he was arrested then violently beaten at Kountia in the suburbs of Conakry; as well as the disappearance of Abraham Diallo, member of the UHG who was persecuted by his family [...] and his close friends, and who also disappeared some time ago.’

On December 3, 2014, the same website wrote¹⁰⁴:

‘Local sources report that five young homosexuals fell into the nets of members of the gendarmerie in the prefecture of Siguiri last week during a celebration ceremony. If our informers are to be believed, these young people were challenged after a confrontation in opposition to another group of young people at the ceremony. ‘It is confirmed that they are five young homosexuals who were arrested by officers of the Siguiri departmental gendarmerie during a clash between these youths and another group in a celebration called here “Mamaya”’, explains a citizen interviewed at the scene. According to the latest news, the five presumed homosexuals are staying in the premises of the Siguiri prefecture’s security services. This phenomenon has become recurring in the cities of the Republic of Guinea. About a month ago, a homosexual imam was taken caught in the act at Keitayah, in the urban municipality of Dubréka.’

4.2 Best interest of the child

62. Article 2 of the Children’s Code¹⁰⁵ states that:

‘[...]The best interest of the child must be the fundamental consideration in all measures taken with respect to the child by public or private institutions, tribunals or administrative authorities.’

63. The Committee on the Rights of the Child¹⁰⁶ wrote in 2013:

‘The Committee welcomes the inclusion of the right of the child to have his or her best interests taken into account as a primary consideration in the Children’s Code, but is concerned that this right remains insufficiently respected in households, schools, courts and other institutions working with or for children. The Committee is also concerned that there is a lack of concrete information on the way the best interests of the child are effectively considered in governmental programmes and policies and in all judicial and administrative decision-making’.

One source¹⁰⁷ indicates that from 2004 to 2008, the “Durable Solutions” committee, which grouped together several organisations, worked regularly on the determination of the best interest of the child, using methods and tools recommended by the High Commission for Refugees (HCR) and UNICEF. This committee, which included notably UNICEF, HCR, the

¹⁰⁴ Aminata.com *Siguiri: homosexuals arrested by law enforcement officers* <http://aminata.com/siguiri-des-homosexuels-mis-aux-arrets-par-les-forces-de-lordre/> (Accessed 14 January 2015).

¹⁰⁵ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁰⁶ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

¹⁰⁷ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.



International Committee of the Red Cross (ICRC), the Ministry in charge of the protection of children, International Rescue Committee (IRC), Sabou Guinea as well as the ICRC (as observer) worked to develop durable solutions for unaccompanied foreign children¹⁰⁸ whose families could not be located after several years of search.

4.3 Rights to life and development

General context

65. Article 1 of the Children's Code¹⁰⁹ states that the child has the 'right to life, to a name, to education and to health.'
66. The Demographic and Health and Multiple Indicators Survey 2012 (EDS-MICS-2012)¹¹⁰ is a Demographic and Health Survey (DHS) combined with Multiple Indicators Cluster Survey (MICS). Carried out in 2012, it follows up on the DHSs of 1992, 1999 and 2005. Globally, its goals are the same as the preceding DHSs, that is, to produce the necessary information to work out, follow up, and evaluate programmes for economic and social development in general, in the area of health in particular. At a specific level, its content has been widened to include new units, such as: hand washing, the status of women, the treatment and prevention of malaria.

¹⁰⁸ Having been affected by the conflicts in Sierra Leone, Liberia and Ivory Coast.

¹⁰⁹ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹¹⁰ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

The EDS-MICS-2012 estimates the Crude Birth Rate (CBR) at 34‰ for the whole of Guinea. It is lower in the urban areas (29.4‰) than in the rural areas (36.1‰).

67. In 2013, the UNCR¹¹¹ raised concerns about '[...] the high rates of preventable domestic accidents causing the death of a large number of children every year.' It noted:

'[...] with satisfaction the elaboration of a road map for reducing maternal and infant mortality for 2012-2015, [but] is however concerned at the lack of progress in certain critical areas of child survival and development due to insufficient budgetary allocations to the health sector, especially in rural areas. The Committee is particularly concerned about:

- a) Disparities in health-care provision across different regions of the country.
- b) The rate of mortality of children under 5 years that remains high.
- c) The national level of chronic malnutrition that is estimated at 35% with different regional rates.
- d) The increase in the maternal mortality rate.
- e) Malaria and tuberculosis that have increased in recent years despite numerous initiatives taken to curb their spread.
- (f) Ignorance of the noma disease and the absence of adequate measures to eliminate this disease.'

According to Terre des Hommes¹¹² 'each year, in Guinea, between 100 and 300 children are victims of unintended swallowing of caustic soda'.

68. On January 18, 2013, the HCHR¹¹³ reported:

'Today, the Committee on the Rights of the Child examined the report from Guinea on the implementation of the provisions of the Convention on the Rights of the Child. [...] An expert raised the question of children affected by noma, recalling that a Resolution of the Council for Human Rights provides measures to should be taken in relation to this illness. [...] The delegation – through the voice of the Vice National Director for Preschool Education and the Protection of the Child, Mr Bafodé Keita – indicated that he had never heard of this illness.'

According to an organisation created in March 2003 in Geneva and grouping together associations, foundations and NGOs of all the countries engaged in the fight against the noma illness¹¹⁴:

'Noma, from the Greek word «nomein» which means to devour, is a devastating gangrene that starts in the mouth and quickly spreads to disfigure the face, destroying both soft and bony tissue. The disease is attributed to poor hygiene and malnutrition, and spreads in conditions of extreme poverty. Its victims are almost always children aged 2 to 6. Untreated, noma is fatal in 80% of cases and leaves survivors with intolerable mutilations.'

¹¹¹ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

¹¹² Terre des Hommes (TdH) *Guinea: the scourge of caustic soda* <http://www.tdh.ch/fr/news/guinee-fleau-soude-caustique> (Accessed 20 January 2015).

¹¹³ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

¹¹⁴ No-Noma International Federation *What is Noma?* http://www.nonoma.org/index.php?option=com_content&task=view&id=13&Itemid=28&lang=english (Accessed 7 January 2015).

69. The UNCR¹¹⁵ notes in 2013 that the child mortality and infant malnutrition rates in Guinea ‘[...] remain higher than the average in sub-Saharan Africa.’ According to EDS-MICS-2012¹¹⁶:

‘Although the mortality level for children under five remains high, it has dropped significantly since EDS-2005, from 163 ‰ to 123 ‰. Mortality of children under 5 is distinctly lower in the urban areas (87 ‰) than in the rural areas (148 ‰).’

Table 6 presents the child mortality rates in Guinea, those of adjacent countries as well as the averages of these rates for the western and central regions of Africa.

Table 6: Child mortality rates in Guinea and in neighbouring countries¹¹⁷

Countries and zones	Mortality rates of children under 5		Mortality rates of children under 1		Neo-natal mortality rates
	1990	2013	1990	2013	2013
Burkina Faso	202	98	103	64	27
Ivory Coast	152	100	104	71	38
Guinea	238	101	140	65	33
Guinea-Bissau	225	124	133	78	44
Liberia	248	71	165	54	26
Mali	254	123	131	78	40
Senegal	141	55	71	44	23
Sierra Leone	268	161	158	107	44
West and Central Africa	197	109	115	72	35

Rate higher than the average of West and Central Africa

Rate lower than West and Central Africa

Infanticides, ritual crimes, suicides and gang violence

70. The Guinean online press¹¹⁸ has published several articles relating to cases of infanticide. In May 2014 for example, the site aminata.com published two articles with the title, respectively, ‘Infanticide

¹¹⁵ Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

¹¹⁶ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

¹¹⁷ Extract from SOWC 2015, Table 1. Basic indicators.

¹¹⁸ Guinéeconakry.info *INFANTICIDE: A woman sentenced to two years in prison in Gaoual* <http://www.guineeconakry.info/article/detail/infanticide-une-femme-condamnee-a-deux-ans-de-prison-a-gaoual/> (Accessed 17 July 2014); Guinéeconakry.info *CRIME: Murderous madness in Conakry* <http://www.guineeconakry.info/article/detail/crime-folie-meurtriere-a-conakry/> (Accessed 17 July 2014); Aminata.com *Tougué: a woman buries her baby after having killed it* <http://aminata.com/tougue-une-femme-enterre-son-bebe-apres-lavoir-tue> (Accessed 11 July 2014); Aminata.com *Korbé (Lélouma): a married woman strangles to death her new-born baby girl* <http://aminata.com/korbe-lelouma-une-dame-mariee-etrangle-a-mort-son-nouveau-ne-de-sexe-feminin> (Accessed 11 July 2014); Aminata.com *She kills, cuts up, and buries her baby [watch out: shocking pictures, sensitive persons should avoid]* <http://aminata.com/elle-tue-decoupe-et-enterre-son-bebe-attention-images-choques-ames-sensibles-sabstenir> (Accessed 17 July 2014); Africaguinée.com *Society: The lifeless body of a newborn found in Koloma...* <http://www.africaguinee.com/articles/2014/02/28/societe-le-corps-sans-vie-d-un-nouveau-ne-decouvert-koloma> (Accessed 17 July 2014).

is growing in Conakry and in the interior of the country' and 'Ritual crimes are resurfacing in Guinea-Conakry'. According to these articles, investigations have been opened for several of these cases. An interview carried out within the framework of this report¹¹⁹ indicates that some people have been detained in prison for infanticide. However, no information on the rates of infanticide has been found among the sources consulted within the framework of this report.

71. According to an interview undertaken within the framework of this report¹²⁰, the reports of the national health information system give no data on pregnancies by age group. The various reports of the Demographic and Health Survey (DHS) from 1999 to 2012 show a persistence of early parenting in Guinea, and an uneven evolution of the proportion of teenage girls having begun their reproductive lives (37% in 1999, 32% in 2005 and 34% in 2012). According to EDS-MICS-2012¹²¹, 34% of teenage girls [ED: young women aged 15 to 19], have already begun their reproductive lives: 28% of them have had at least one child, and 6% are pregnant with their first child. The proportion of teenage girls having already begun their productive lives increases rapidly with age, from 8% at age 15 to 58% at age 19, an age at which 52% of girls have already had at least one child. This proportion is distinctly higher in the rural areas (43%) than in the urban milieu (23%). In the administrative regions of Kankan (46%), Faranah (43%), N'Zérékoré (41%) and Boké (40%), it is very high. In contrast, the regions of Conakry (16%), Labé (30%) and Mamou (33%) are those that record the lowest proportions of teenage girls that have already begun their reproductive lives. The percentage of teenage girls having already begun their reproductive lives drops in a very significant way when their level of education increases, passing from 48% among teenage girls without education to 17% among those having reached secondary school and higher. In the same way, this proportion decreases significantly depending on the economic well-being of households, dropping from 50% for teenage girls of the poorest households to 17% for those of better-off households.

72. Several news websites reporting about Guinea have published articles related to ritual crimes committed against children¹²². According to a study by Plan Guinée¹²³ published in March 2013:

'According to anecdotal reports, some traditional practices consist in killing babies born with a deficiency or malformation. Such practices are said to have been customary in the Forested Guinea region, but reports that such behaviours continue to exist in Guinea are contradictory.'

According to a report by the US government published in March 2010¹²⁴, there have been ritual murders in Guinea, but the extent of this phenomenon is unknown because of cultural taboos and a general reluctance to discuss this subject. According to the same report, on March 16, a

¹¹⁹ A member of the Coordination Unit for Activities for Minors in Conflict with the Law, interview of October 10, 2014.

¹²⁰ Head of the Teenage Health section of the Ministry of Health, interview of July 22, 2014.

¹²¹ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

¹²² Aminata.com *Ritual crimes are resurfacing in Guinea-Conakry* <http://aminata.com/les-crimes-rituels-refont-en-guinee-conakry/> (Accessed 18 July 2014); Guineeconakry.info *CONAKRY: Squalor and insecurity, two big challenges for Malick Sankhon* <http://www.guineeconakry.info/article/detail/conakry-linsalubrite-et-linsecurite-deux-grands-defis-pour-malick-sankhon/> (Accessed 18 July 2014); Guineeconakry.info *WEEKLY PRESS* of April 18, 2010 <http://www.guineeconakry.info/article/detail/presse-hebdo-du-18-avril-2010/> (Accessed 18 July 2014).

¹²³ Plan Guinée, International Centre for Disability and Rehabilitation (ICDR), University of Toronto *Access to Education and the Protection of Girls and Boys with disabilities in Guinea - A qualitative, descriptive study* (March 2013).

¹²⁴ United States Department of State 2009 *Human Rights Report: Guinea* (March 11, 2010). <http://www.state.gov/j/drl/rls/hrrpt/2009/af/135957.htm> (Accessed 10 January 2015).

3-year old child was kidnapped from its home in Conakry and killed. His throat was slit, his eyes cut out and his abdomen opened with a blade, in a way that conforms to ritual human sacrifice ceremonies. The presumed killer and an accomplice were detained at the Conakry prison and are awaiting trial.

73. No information on teenage suicide rates could be found among all the sources consulted within the framework of this report.
74. A study¹²⁵ published in 2010 by the NGO *Search For Common Ground* indicates that, in Conakry, there are several organised groups of young people who call themselves *Gangs*, or *Staff* or *Structures*. According to this study, these groups may have up to 400 members, among which children are included. They often organise sport and cultural activities (football, concerts), but also sometimes criminal activities: drug sale and consumption, thefts, vandalism, etc. They are also often used by political parties and implicated in political violence, notably in the *Cosa*, *Bambéto* and *Hamdallaye* neighbourhoods.

Harmful cultural, social and traditional norms, practices or policies

75. In a 2012 report¹²⁶, the Guinean government points out the existence of:

‘[...] norms, customs and practices [that] justify and perpetuate discrimination and violence with respect to children and women, including violence to girls and the persistence of harmful traditional practices, such as food taboos, forced and underage marriage, and levirate.’

76. On the subject of female genital mutilation¹²⁷ (FGM/C), the DHSs of 1999 to 2012 show a tendency to a lowering of the prevalence of female genital mutilation, but with an uneven evolution: 99% in 1999, 95,6% in 2005 and 96,9 % in 2012.

Please note that the matter of female genital mutilation is discussed below in section 8.5 of this report.

77. Concerning underage marriages, the EDS-MICS 2012¹²⁸ indicates that 27% of women aged 25-49 years at the time of the survey were already married before reaching the age of 15, and 60% were already married before 18 years of age. In comparison with the EDS-2005, the median age for the first union for women from 25-49 had increased, from 16,2 years to 17,0 years for the up-to-date survey.

Please note that the matter of underage and/or forced marriage is discussed in section 8.6 of this report.

¹²⁵ Search for Common Ground Guinea, Joschka Philipps, Thomas Grovogui Baseline Paper Urban Youth (April 2010) https://www.sfcg.org/wp-content/uploads/2014/08/GUI_BL_Apr10_Baseline-Paper-Urban-Youth-and-Political-Violence.pdf (Accessed 10 January 2015).

¹²⁶ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

¹²⁷ See Section 8.5: FGM/C.

¹²⁸ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

78. The Guinean government wrote in 2012 in a report¹²⁹:

‘[...] Guinea is a country ruled by a patriarchy which advocates the primacy of man over woman, or boy over girl. [...] This is the source of inequality in the distribution of social roles. The low-ranking tasks such as the drawing of water, cooking, sweeping, are relegated to women/girls, as well as some professions that are feminised. That is the case for the profession of secretary. [...] Prejudices harmful to women are at the basis of several types of violence against them. This is the case of the widow, who is sometimes considered responsible for the passing of her husband and who is subjected to widowhood practices that are often humiliating. [...] The practice of religious [ED: and traditional] marriages not recognised by the State is frequent. It can create problems notably in cases of polygamy, the second wives [ED: and their children] not having the same rights depending on whether the marriage is religious or civil.’

79. The Guinean government¹³⁰ reported in 2011 that the promise in marriage of girls and boys is practised in Guinea. It is not rare to see a family promise a little girl in marriage to a little boy of another, allied family. Article 286 of the Civil Code¹³¹ states about this practice that ‘marriage or engagement promises do not render marriage obligatory. However, the wrongful breaking of an engagement may lead to compensation’.

80. A 2008 report by Sabou Guinea¹³² indicated that traditional practices, customs and beliefs such as polygamy, levirate and sororate as well as fostering, often lead to negligence or abuse of children, etc. According to the same source, numerous children are victims of excessive punishment for behaviour that tarnishes the honour and values of the family, or for minor misdemeanours. The Sabou Guinea report cites, for example, three cases of violence towards children who have been taken care of by the organisation: i) in a village in Middle Guinea, a grandfather burned the hands of his two granddaughters of 6 and 8 to punish them for having ripped out the stem of a peanut plant from the edge of a neighbour’s field; ii) in Forested Guinea, a 12-year-old child was burned on his arms and legs by neighbours who found him in their palm grove, iii) in a quarter of Conakry, a woman chained a child in her courtyard to prevent him from going to the neighbours while she went off to work.

¹²⁹ Ministry for Social Action, and the Promotion of Women and Children (MASPFE) *7th and 8th combined reports on the putting into operation of the CEDEF for the period 2007-2011* (April 19, 2012) http://www2.ohchr.org/english/bodies/cedaw/docs/CE-DAW.C.GIN.7-8_fr.pdf (Accessed 29 July 2014).

¹³⁰ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

¹³¹ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

¹³² Sabou Guinea *Research results and lessons learned from the actions of Sabou Guinea* (2008).



5 Civil rights and freedoms

5.1 Freedom of expression, of thought, of conscience, of religion and of association

81. Article 4 of the Children's Code¹³³ states that 'each child has the right to express freely his or her opinions'. According article 7 of the same code: 'the child has duties towards its parents, its family, society, the State and any other legally recognised community, as well as towards the international community.' In particular, according to the same article, he or she has the duty:
- i) To respect his other parents, superiors and aged people in all circumstances and, in case of need, to help them.
 - ii) To respect national identity, languages and values.
82. According to a 2001 report by the Guinean government¹³⁴, several children's organisations/ associations give children an opportunity to express themselves and to be heard at the institutional level. The same report indicates that in most cities of the country, other forms of youth associations are developing on the basis of affinities centred on mutual support in social, cultural and sometimes economic areas (marriage, baptism, burial and other ceremonies, work). According to the same report, in practice, within families, a (minor) child can only express her/himself under the supervision of his or her parents. Difficulties in communication between children and parents are frequent and represent an obstacle to taking into account the child's opinion within families and communities.

¹³³ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹³⁴ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

A 2014 report by the COLTE/CDE¹³⁵ notes the existence of organisations or groups of children such as the Guinean Children’s Parliament (PEG), the Guinean Advisory Council for Children and Young People (CCEJ/G) against violence committed against children, the Guinean Movement for Children and Young Workers (MEJT/G), school governing bodies, and school and neighbourhood clubs. This source specifies however that Guinean law does not allow people under the age of 18 to found a free association or a formal NGO, or to open/manage a bank account.

Interviews conducted within the framework of this report¹³⁶ bring up other obstacles to the freedom of expression of children. For example, to address an elder person directly or a hierarchical superior, even to look such persons in the face and directly in the eyes, is considered a sign of arrogance and of poor education. Similarly, a child may often not discuss some matters directly with his or her parents, such as relationship problems with other members of the family, changing schools, going on holiday, emigration, getting engaged, etc. He or she must in these cases use another adult as an intermediary: grandparent, uncle, aunt, neighbour, griot, etc.

5.2 Access to adequate information, to legal advice and to a complaints procedure

83. Interviews conducted within the framework of this report¹³⁷ indicate that access to adequate information through books, television and the Internet is very limited for children. Libraries and bookstores are almost non-existent. Access to the Internet is beyond reach. “Under the Baobab”, “Little by little”, “Alpha and Finda” are the rare educational programmes on national radio/television for children. There are local and community radio stations that sporadically broadcast programmes for children.
84. Paragraph 4 of article 340 of the Children’s Code¹³⁸ provides that ‘a child must be informed [...] of the charges against him/her, of his or her right to be helped by a lawyer, of his or her right to enjoy the presence of a parent or guardian’. Paragraph 5 of the same article states that ‘every child prosecuted for a criminal offence must be helped by a lawyer free of charge’. People consulted in the framework of this report¹³⁹ indicate that, in practice, paragraphs 3, 4 and 5 of article 340 are rarely applied, mainly because of the rarity of lawyers. According to the same people, in the Criminal Court, minors do not benefit from the help of a court-appointed lawyer except when the case goes to trial. In other cases, minors may sometimes benefit from the help of lawyers hired by children protection NGOs.

¹³⁵ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Submission for the Universal Periodic Review (UPR) of GUINEA on the rights of the child* (July 2014).

¹³⁶ Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014; Regional Director for Social Action, and the Promotion of Women and Children, interview of August 4, 2014; Person coming from Temessadoudigbo, Gueckedou, interview of August 9, 2014; Head of a District at the Ratoma municipality, interview of August 9, 2014.

¹³⁷ Coordinator of protection activities of the DNE, interview of July 31, 2014; Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014.

¹³⁸ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹³⁹ Member of the Coordination Unit for Activities for Minors in Conflict with the Law, interview of October 10, 2014; Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014; Head of the Sabou Guinea Office in Labé, interview of August 5, 2014.

85. According to a 2013 report by the COLTE/CDE¹⁴⁰:

‘No opportunity is given to children on an individual basis, or as a group, or through their representatives, to file a complaint about violations of their rights. To this day, Guinea has not yet signed and/or ratified the 3rd Optional Protocol to the Convention on the Rights of the Child on a communications procedure.’

5.3 Protection against interference in the private life of children

86. Article 3 of the Children’s Code¹⁴¹ provides that ‘each child has the right to privacy, while also considering the rights and responsibilities of his or her parents or those in charge of the child in accordance with the law.’

87. According to a 2011 report by the Guinean government¹⁴²:

‘In Guinea, a child’s privacy is protected by his or her parents until the age of puberty [ED: generally estimated at around 12 years old]. Before that time, the child always confides in one of his or her parents; either to the father and mother, or more generally to the aunts. It is most especially with respect to girls that this problem occurs. From the age of twelve or thirteen, when she begins to menstruate, the girl is under pressure from all sides. She is checked up on in her daily life by some members of the family. Often, the concern is that she should not fall pregnant. This pressure leads some parents to rush into early marriage for their children.’

5.4 Protection against mistreatment, violence and abuse

88. Articles 403 to 410 of the Children’s Code¹⁴³ punish any person found guilty of violence towards children.

89. Corroborating sources¹⁴⁴ indicate that the Office of the HCHR in Guinea and the CSOs reported 55 cases of rape and sexual abuse involving minors in 2013. Some of these cases were perpetrated by the law enforcement authorities. The perpetrators were not brought to justice. Following violent, intercommunity clashes in the south-eastern forested regions between July 15-17, 2013, at least 48 children were killed and 104 children wounded. These incidents were preceded by sporadic acts of violence that broke out between villages in Upper Guinea

¹⁴⁰ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Alternative/complementary additional report of the NGOs on the Convention on the Rights of the Child (CRC) in Guinea, presented by the COLTE/CDE to the UN Committee for the Rights of the Child* (January 2013).

¹⁴¹ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁴² Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

¹⁴³ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁴⁴ Office of the High Commissioner for Human Rights (OHCHR) *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea* (11 February 2014) <http://www.refworld.org/pdfid/53341e064.pdf> (Accessed 9 August 2014); Guineesignal.com *The LIGUIDHO demands investigation into the community violence of 2013 in Forested Guinea* <http://guineesignal.com/?p=3839> (Accessed 9 October 2014).

between April and June 2013, and which resulted in 4 deaths. Politico-ethnic clashes also took place in March 2013 in Conakry. Beyond the political tensions, in 2013, Guinea experienced social movements that translated into violent protests, in particular in some neighbourhoods of Conakry. The main demands were for better living conditions since access to basic social services had made little progress.

90. In February 2013, the UNCR¹⁴⁵ expressed its strong concern about children taken to the police station who were often subject to abuse or acts of torture in order to extort confessions from them. An article published in June 2014 by *AfricaGuinée.com*¹⁴⁶ quotes a teen in detention in Conakry as follows:

'[...] they questioned me and led me to the security services where there is a 15-storey building (in Kaloum). I stayed there for three days. Then, they transferred me to the DJP (judicial investigation directorate). They kept me there for two days, and on the third day, they took me to the Central Prison at Koronthie. There, I shared a cell with another boy. We stayed the nights together. They didn't torture me (ED: physically), but I was suffering a lot from the lack food. If they gave us something to eat in the afternoon (4 p.m.), it was only the following day at the same time that we would get something else to eat. It was my cell-mate who, every morning, bought us some porridge for breakfast [...].'

¹⁴⁵ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

¹⁴⁶ *Africaguinée.com Conakry Prison: Now free, young Kindy Barry, committed because of a falsified picture of President Condé, recounts his ordeal* <http://www.africaguinee.com/articles/2014/06/27/surete-de-conakry-libere-le-jeune-kindy-barry-ecroue-cause-d-une-photo-truquee> (Accessed 28 June 2014).



6 Basic rights

6.1 Health

91. According to a 2014 UNICEF study¹⁴⁷, 44% of children under 5 suffer from nutritional problems. In particular, 59,6% suffer from inadequate feeding of new-borns (less than 6 months old) and of the young child (6-23 months). As for acute malnutrition, it affects 10,5% of children under 5. A survey undertaken in 2008¹⁴⁸ by the INS indicated that chronic malnutrition worsened between 2005 and 2008, with a rate going from 34,8% to 36,2%. For the specific case of Conakry, according to Helen Keller International (HKI)¹⁴⁹, between January and February 2010, moderate acute malnutrition in under 5 went up from 3,8% to 5,5%. According to Integrated Regional Information Networks (IRIN)¹⁵⁰, in Guinea, 'breakdowns in funding and supply forced humanitarian organisations and the Health Ministry to turn to temporary solutions – for example, using therapeutic foods intended to treat severe acute malnutrition – but a more durable strategy is necessary, say nutritional experts'. According to the last UNICEF report on the situation of children in the world 2015¹⁵¹, in Guinea, 12% of new-borns were underweight at birth, while among children under 5, 19% are underweight, and 31% suffer from stunting.

¹⁴⁷ United Nations Children's Fund (UNICEF) *Poverty and vulnerability of children, Guinea* (2014).

¹⁴⁸ Guinean National Institute for Statistics (INS) *National Survey on the Nutritional State and the Follow-up on the Main Indicators of Child Survival (ENENSE)* (2008).

¹⁴⁹ Helen Keller International (HKI) *SEFFAN: Follow-up Programme on Feeding-Nutrition, Conakry Guinea, for Children, Women and Families – Results for February 2010* http://www.irinnews.org/pdf/hki_seffan_resultats_fev2010_022110.pdf (Accessed 9 August 2014).

¹⁵⁰ Helen Keller International (HKI) *SEFFAN: Follow-up Programme on Feeding-Nutrition, Conakry Guinea, for Children, Women and Families – Results for February 2010* http://www.irinnews.org/pdf/hki_seffan_resultats_fev2010_022110.pdf (Accessed 9 August 2014).

¹⁵¹ Integrated Regional Information Networks (IRIN) *GUINEA: Child Malnutrition – beyond temporary solutions* <http://www.irinnews.org/fr/report/88246/guinée-malnutrition-infantile-au-delà-des-solutions-provisoires> (Accessed 9 August 2014).

92. The UNCRRC¹⁵² expresses concern '[...] that allocations to the health sector represent 4.2% of the national budget and that allocation to the education sector is a mere 1.4 per cent of the State party's gross domestic product (GDP)'.

6.2 Accessibility and quality of health care for children

93. According to COLTE/CDE¹⁵³, the Guinean government is implementing several programmes/projects on the field, such as the Large-scale Vaccination and Essential Medicines Programme (PEV-ME), the Prevention of Mother to Child Transmission of HIV/AIDS (PTME), the Stop Malaria project, the Primary Curative Consultation, the establishment of the National Institute for Child Health (INSE), etc. Despite these arrangements, the Guinean population encounters difficulties in access to quality healthcare. These difficulties are mainly: i) the absence of health structures in some rural areas (some coastal, border, and isolated villages), in Mamou for example where, out of 48 health posts, only 22 are up and running, the other 26 being closed due to lack of health workers; ii) the lack of qualified health workers, of medicines affordable for the population, and analysis laboratories for various tests (VIH/SIDA). Therefore, children aged from 0 to 18 do not have correct access to healthcare in these urban and rural areas (absence of school infirmaries for primary care).

94. The website *GuinéeNews.org*¹⁵⁴ published on August 4, 2014, an article according to which:

'[...] Guinea has the most deteriorated health services of the sub-region. [...] The mother and child mortality rates of the country are among the highest in Africa. [...] The country is characterised by poor geographic health care coverage due to the inadequate infrastructure and equipment and to the degradation of existing installations. [...] The healthcare budget in relation to the national budget has continually fluctuated below 3% over recent years (3.5% in 2009, 2.5% in 2011, around 2% in 2012, 2.5% in 2013 and 2.74% in 2014). [...] The General State of Health Survey, held June 24 to 25, 2014, made it possible to establish a diagnosis of the sector, and identify major constraints, notably the funding insufficiency for the sector, the lack of personnel and its concentration of more than 70% in the capital. These difficulties explain the inadequate response to the Ebola fever epidemic, [...]'

Group interviews made within the framework of this report indicate the existence of isolated communities for which the closest health service is located over 10 km away.

95. According to INS data¹⁵⁵, the ratios relating to active health personnel have dropped globally between 2007 and 2011 as shown in the next table:

¹⁵² Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

¹⁵³ UNICEF *The State of the World's Children Report 2015 Statistical Tables* (November 2014) <http://www.data.unicef.org/resources/the-state-of-the-world-s-children-report-2015-statistical-tables> (Accessed 15 January 2015).

¹⁵⁴ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *Submission for the Universal Periodic Review (UPR) of GUINEA on the rights of the child* (July 2014).

¹⁵⁵ *GuinéeNews.org Management of the haemorrhagic fever – Why the casualness of the State?* (First part) <http://guineenews.org/gestion-de-la-fievre-heorragique-pourquoi-la-desinvolture-de-letat-1ere-partie> (Accessed 6 July 2014).

Table 7: Evolution of active health professionals from 2007 to 2011

Indicator	2007	2008	2009	2010	2011
Nurses per 10,000 habitants	1.05	1.02	1.3	0.95	0.53
Doctors per 10,000 inhabitants	0.98	0.95	1.7	0.89	0.87
Pharmacists per 10,000 inhabitants	0.18	0.18	0.2	0.17	0.16
Midwives per 10,000 inhabitants	0.42	0.4	0.5	0.38	0.37
Medical consultation/inhabitant			0.053	0.058	0.056

6.3 Aid, rehabilitation and reintegration of children with disabilities

96. According to the Guinean government¹⁵⁶, children with disabilities encounter difficulties in access to education, to rehabilitation, to care and to leisure activities. Only two schools in Conakry¹⁵⁷ receive children with sensory disabilities with a maximum capacity of 165 places. An institute for blind young people has been under construction in Kankan for several years. Due to lack of funding, this centre is having difficulty reaching completion. In Conakry, the Nimba and the Regina Maris centres receive between the two of them around 25 children with physical disabilities for professional training and schooling. UNICEF supports an equipment and rehabilitation programme for 60 children with physical disabilities each year at the National Orthopaedics Centre in Conakry. Over the full national territory, there is no secondary school specialised or equipped to receive children with sensory disabilities (mentally disabled, deaf-mutes, blind children).
97. According to a study by Plan Guinée¹⁵⁸ published in 2013, the most common difficulties and obstacles encountered by children with disabilities are linked to the following factors:
- Lack of access to basic needs such as: food, clothes, and housing, linked mainly to poverty, but sometimes also to negligence.
 - Lack of necessary financial resources in the family to pay for school fees (registration, school supplies) and health and/or rehabilitation services.
 - The negative perception and ignorance of parents towards schooling for children with disabilities: some are ashamed to sign their child up for school; some are reluctant because they do not believe their child could succeed at school; others simply refuse to educate their children.
 - Lack of available services for children with disabilities and for their families, including: health and rehabilitation services, therapies, specialised treatment and equipment, etc.
 - Discriminatory and negative behaviour such as teasing by other children and sometimes by teachers and other members of the community.
 - Lack of teachers trained to work with children with disabilities.

¹⁵⁶ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

¹⁵⁷ The school for the deaf (created in 1964, this school constitutes the only reception and schooling centre for children with hearing impairments, and is to date limited to the primary education); the Sogue school for the blind (created in 1990, by Guinean associations for the promotion of the blind, is the only institute in charge of specialised training for young blind people).

¹⁵⁸ Plan Guinée, International Centre for Disability and Rehabilitation (ICDR), University of Toronto *Access to Education and the Protection of Girls and Boys with disabilities in Guinea – A qualitative, descriptive study* (March 2013).



6.4 Education

98. Education consists of the following cycles: preschool, aimed at children from 3 to 6 years, primary school aimed at the group from 7 to 12 years, “collège” (junior high school) aimed at the group from 13 to 16 years, “lycée” (senior high school), aimed at the group from 17 to 19, and higher education.

99. According to a document by the Guinean government published in 2011¹⁵⁹:

‘The net rate of primary schooling (TNS) has gone up from 57% in 2002 to 62% in 2008, and notably from 52% to 57% for girls. [...] since 2005, a relative stagnation of performance indicators in the sector has been observed. [...] the share of the GDP allocated to education has never exceeded 3% over the past decade. [...] from 2000 to 2010, the share of the national budget dedicated to educational expenses has not exceeded 12%. From 9.6% in 2003, it continued to drop, reaching 5.7% in 2006. However, since 2007, the government is making a big effort, which made it possible to reach the rate of 11.3% in 2009.’

According to *GuinéeNews.org*¹⁶⁰, the share of the national budget devoted to education reached 11.67% in the 2014 initial finance law of 2014.

100. Interviews conducted within the framework of this report indicate that there are inequalities in access to education between the rural and the urban areas. There are several communities

¹⁵⁹ Ministry of the Economy and Finances *Strategy Document for the Reduction of Poverty (2011-2012)* (June 2011).

¹⁶⁰ *GuinéeNews.org Management of the haemorrhagic fever – Why the casualness of the State?* (First part) <http://guineenews.org/gestion-de-la-fievre-heorragique-pourquoi-la-desinvolture-de-letat-1ere-partie> (Accessed 6 July 2014).

without school infrastructures and located tens of kilometres away from the nearest school. In some communities, schools exist, but they do not have enough teachers or equipment in good condition. The following testimonies were gathered from group interviews:

‘In the past, children used to leave the villages to come attend “collège” in Kankan, but today most villages have “collèges”’

‘In my village in Kouroussa there are primary schools but no “collège”’

‘In our villages in Dinguiraye, there are schools but they lack teachers. Those who are there exploit our children.’

‘There are no schools in many of our villages in Forested Guinea.’

101. Preschool teaching is not compulsory and is aimed at children aged 3 to 6 years of age. The Guinean government¹⁶¹ indicated in 2011 that 66% of existing preschool education centres are located in urban areas, in the administrative centres of the prefectures and the regions. The city of Conakry alone hosts 48% (788 out of 1,640) of the centres. According to the same source, the preschool teaching rate is very low in Guinea and the government objectives are still limited in this respect. Indeed, the gross rate of enrolment in preschools was a mere 7.5% in 2010, with a slight head start for girls (7.7%) in comparison to boys (7.3%), as opposed to a future objective of 30% for 2015. Great disparities are observed between the various regions, particularly between Conakry (29%) and other regions such as N’Zérékoré (9.8%), Faranah (5.9%), Mamou (0.9%). The same source estimates that more than 67% of preschools are financed by private companies and 30% are financed by the municipalities.
102. According to some sources¹⁶², primary education lasts for 6 years and is compulsory. Children are admitted from the age of seven years, sometimes later in the countryside. Koranic schools and Franco-Arab schools teach Arabic, especially in religious, literary and social subjects. For the 2012-2013 school year, the gross rate of primary schooling amounted to 82.1%, with 74.6% for girls and 89.5% for boys. At the regional level, practically the same level is recorded in Faranah and in Kindia. The rate is below the national average in Mamou, Labé, Boké, N’Zérékoré and Kankan. The lowest rates are recorded in Kankan (74.6%) and in N’Zérékoré (59.6%).
103. According to some sources¹⁶³, secondary schooling is divided into two cycles, “collège” (four years) and “lycée” (three years), to which should be added technical and professional training (varying durations) and higher education (varying durations).

¹⁶¹ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child* (ACRWC) (December 2011).

¹⁶² Leclerc J. “Guinea-Conakry” in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFQ Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014); General Directorate for Education Planning, Statistics and Development / Ministry for Pre-University Teaching and Literacy (DGPSDE/MEPU-A) *Gross schooling rates 2012-2013* [e-mail of August 23, 2014].

¹⁶³ Leclerc J. “Guinea-Conakry” in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFQ Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014); General Directorate for Education Planning, Statistics and Development / Ministry for Pre-University Teaching and Literacy (DGPSDE/MEPU-A) *Gross schooling rates 2012-2013* [e-mail of August 23, 2014].

For the 2012-2013 school year, the gross schooling rate in “collèges” was 44% (33% for girls). It totalled 86% in Conakry (74% for girls) and 46% (33% for girls) in the Kindia region. For other regions, it is lower than the national average. The lowest rates are recorded for Labé (30%) and Mamou (27%).

For the 2012-2013 school year, the gross schooling rate in “lycées” was 30% (21% for girls). It totalled 62% (51% for girls) in Conakry and 35% (25% for girls) in Kindia. It is lower to the national average for the other regions. The lowest rates are recorded in Labé (14%), Mamou (15%) and N’Zérékoré (16%).

104. According to the National Directorate for the Sectorial Education Programme (PSE)¹⁶⁴, the education completion rate has evolved unevenly since 2006-2007, with a general downward trend: it dropped from 59.20% to 56.63% in 2007-2008, and rose again to 58.83% in 2008-2009.

105. According to an academic source¹⁶⁵:

‘Schools in Guinea are rather poor and they severely lack schoolbooks. As an example, the book-student ratio is in general ten for science books, seven for mathematics and four for French. Guinea also has to face up to a major problem: school dropout. Indeed, every year, millions of children leave school without having acquired the basic skills in reading, writing and mathematics. Sometimes, they give up before the end of primary school, because the difficult learning conditions hardly encourage them to continue in their studies. As a matter of fact, one-third of students do not complete primary school. Furthermore, only three out of ten students go on to “collège”

The education system is struggling with enormous social inequalities. In Guinea, among the poorest children, 50% start in primary school and 46% continue through to the last year. Among the richest pupils, 81% enter primary school and 78% persist through to the last year. In addition, children from the better-off milieus go to schools in the private sector. School programmes and exams are identical to those in the public sector, but working conditions are clearly superior: qualified teachers, teaching equipment, reasonable number of students per class, etc. Generally, the education offered in private schools favours the learning and practice of French and English with the objective of bringing pupils to the most functioning bilingualism possible. Finally, going to school is expensive in Guinea. Teaching is in theory free, but pupils’ parents must pay for what is referred to as “the bench”. They have to pay a subscription to the school that allows their children to sit on the school bench and follow the lessons. Families also have to be a member of the parents’ association, without taking into account school supplies, notably the uniform, which is compulsory and expensive. Many parents give up and take their children out of school in order to save money.’

According to the INS¹⁶⁶, several education indicators have made very little progress, or have even regressed, between 2009 and 2012, as is shown in the table below:

¹⁶⁴ National Directorate for the PSE 2010 *PSE Activity Report* (January 2011).

¹⁶⁵ Leclerc J. “Guinea-Conakry” in *Linguistic arrangements in the world* (April 15, 2012) Quebec TLFO Laval University. http://www.axl.cefan.ulaval.ca/afrique/guinee_franco.htm (Accessed 7 August 2014).

¹⁶⁶ Guinean National Institute for Statistics (INS) *Social Statistics in Guinea* (May 2013).

Table 8: Evolution of some education indicators between 2009 and 2012

Indicator	2009	2010	2011	2012
Evolution of ratios				
Student/Teacher ratio in primary education	44	42	44	44
Student/Teacher ratio in secondary education	33	34	34	32
Girl/Boy ratio in primary education	0.83	0.81	0.84	0.83
Girl/Boy ration in secondary education	0.57	0.59	0.61	0.61
School infrastructures (number of schools)				
Primary education	7,598	7,815	8,024	8,313
Secondary education	1,015	1,050	1,130	1,253
Professional and Technical education	95	82	82	81
Higher education	52	52	52	n/a
Distribution of students per class ratio				
Primary education	42	43	44	45
Secondary education	67	66	68	61

106. According to the National Directorate for the Sectorial Education Programme (PSE)¹⁶⁷, at the primary education level, 3,464 student teachers were trained and 2,532 student teachers were trained and certified in the various National Teachers Training Schools (ENI). The training of student teachers at the ENIs is undertaken according to the 9-9-3 model, that is nine months for professional training at the institution, nine months of practical apprenticeship in associated schools and three months again in the institution for certification. According to the same source, at the secondary level, there is a significant number of teachers who have graduated without pedagogical training. This reality negatively affects the quality of teaching offered to the students. In addition, there is a lack of qualified teachers in basic subjects, notably for the first cycle of secondary education. This deficit is estimated at 2,153 teachers for all subjects combined; for basic subjects, the needs are 789 teachers in French and 570 teachers in mathematics. The training of “lycée” teachers is done at the Guinean Higher Institute of Educational Science (ISSEG). On top of those trained at the ISSEG, another 120 “collège” mathematics teachers and 180 “collège” French teachers were trained in the Kankan and N’Zérékoré regions.
107. Relevant information on informal education and the Koranic schools was not found among the sources consulted within the framework of this report.

¹⁶⁷ National Directorate for the PSE 2010 *PSE Activity Report* (January 2011).



7 Family environment and alternative care

7.1 Protection against physical and mental violence, and against abuse (in families, in alternative care provision and in institutions)

108. Articles 403 to 410 of the Children's Code¹⁶⁸ provide for punishment for any person guilty of violence towards children.

Some sources¹⁶⁹ indicate the existence of a helpline enabling the reporting of cases of violence and abuse. This helpline is up and running and operated by the NGO Guinean Association of Social Workers (AGUIAS). According to this NGO, in 2013, the helpline received 47,000 calls, among which 26,000 to report cases of violence against women and children. August 13, 2014, UNICEF published a press release entitled "*Female Genital Mutilations/Cutting: Effectiveness of the 116 Helpline and of the reporting system*" on a news website¹⁷⁰, in which it congratulated its partner, AGUIAS, for its role in improving the effectiveness of the reporting system in cases of violence and abuse. According to sources¹⁷¹, in the past, other helplines have existed, but they no longer operate.

¹⁶⁸ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed January 10, 2015).

¹⁶⁹ Coordinator of protection activities of the DNE, interview of July 31, 2014; Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014; President of the NGO AGUIAS, interview of July 29, 2014.

¹⁷⁰ GuinéeNews.com *Female Genital Mutilations/Cutting: Effectiveness of the 116 Helpline and of the reporting system* <http://guinee-news.org/mutilations-genitales-femininesexcision-efficacite-du-numero-vert-116-et-du-dispositif-dalerte/> (Accessed January 11, 2015).

¹⁷¹ Coordinator of protection activities of the DNE, interview of July 31, 2014; Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014; President of the NGO AGUIAS, interview of July 29, 2014.

7.2 Adoption and foster care

110. Among all the sources consulted within the framework of this report, no information could be found concerning a foster care system covering all regions of the country and being followed-up on by a relevant authority. Sources¹⁷² maintain that such a system does not exist.
111. Among all the sources consulted within the framework of this report, no information about the existence of a system of assistance to families in need has been found.
112. Chapter IV of the Children's Code¹⁷³, in articles 96 to 147, deals with complete adoption, simple adoption and international adoption. According to its provisions, complete adoption is only permitted for children under the age of 15. It gives the child a family relationship that substitutes for his or her family of origin: the adopted child ceases to belong to the family by blood ties, subject to the prohibitions on marriage in accordance with the provisions of the Civil Code¹⁷⁴. It gives the name of the adopter to the adoptee. As for simple adoption, it is permitted whatever the age of the adoptee. It gives the name of the adopter to the adoptee, adding the former to the latter. A court can however rule that the adoptee shall only bear the name of the adopter. The adoptee remains in her/his family of origin, and retains all her/his rights, notably hereditary rights. The prohibitions on marriage provided by the Civil Code¹⁷⁵ apply between the adoptee and the family of origin.
113. According to governmental sources¹⁷⁶, the National Directorate for Children (DNE) hosts an advisory panel entitled *International Adoption Commission*, which is in charge of receiving and processing international adoption requests, following the principles of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The COLTE/CDE¹⁷⁷ reported in 2013:
- '[...] despite the ratification by the Guinean government in December 2001 of Convention N°5 of the Hague Convention on Co-operation in Respect of Intercountry Adoption, we note that efforts remain to be made, notably in terms of implementation of the rules and conditions for international adoption'.
114. Interviews conducted within the framework of this report¹⁷⁸ indicate that, in practice, custom allows a child without parents to be put in the care of a member of the family, or a friend of the family. This person has the responsibility to care for the child as his or her own child,

¹⁷² Terre des Hommes (TdH) *Preventing, detecting and fighting violence inflicted on children in care centres in Guinea* (Project proposal submitted to the EU in 2013); Coordinator of protection activities of the DNE, interview of July 31, 2014; Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014.

¹⁷³ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁷⁴ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

¹⁷⁵ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

¹⁷⁶ Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014; Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child* (ACRWC) (December 2011).

¹⁷⁷ Coalition of NGOs for the Protection and Promotion of the Rights of the Child and the Fight against Trafficking (COLTE/CDE) *First complementary report of the NGOs on the putting into operation of the African Charter on the Rights and Welfare of the Child (1999-2011)*.

¹⁷⁸ Regional Director for Social Action, and the Promotion of Women and Children, interview of August 4, 2014; Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

and to provide for its material and social needs. This practice takes place outside of any legal framework, and exposes the child to all sorts of vulnerabilities. The family caring for the child is subjected to no administrative and legal checks. The protection of the child depends solely on the customary beliefs and organisation. The effects of this practice on the situation of the child are very contrasted: there are cases of exploitation and abuse, but there are also cases of satisfactory care of the children.

7.3 Kidnapping and sale of children

115. The provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography¹⁷⁹ have been transposed into the Law on the Children's Code¹⁸⁰, in Section IV, entitled "Inciting debauchery of children, prostitution and sexual tourism involving children, pornography and pornography involving children". Articles 366 to 384 of this code condemn the kidnapping and sale of children.
116. According to a report by the Guinean government¹⁸¹, the global strategy for the elimination of the sale of children 'depends on the implementation of cross-sectorial coordination mechanisms (CGSDE, CNLTPE, OGDH, COLTE/CDE, Follow-up Committee of the CEDEF, RAO through Sabou Guinea). These organisations have annual or bi-annual action plans, each dedicated to precise objectives in terms of victims protection and the promotion of the Rights of the Child and Human Rights.' Among all the sources consulted within the framework of this report, no information could be found on specific activities in the fight against the kidnapping and sale of children, other than those aimed at fighting against human trafficking.

7.4 Legal definition of parental responsibilities

117. Among all the sources consulted within the framework of this report, no legal definition of parental responsibilities could be found. However, articles 169 to 216 of the Children's Code¹⁸² deal with parental authority.

7.5 Specific groups of children requiring protection

118. Orphan children placed in a family according to customary arrangements, children born in certain conditions (outside wedlock, as a result of incest or adultery), constitute the groups that require specific protection within families. In fact, the customary arrangements for placing

¹⁷⁹ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and pornography using children, adopted in New York, May 25, 2000* <http://www.admin.ch/opc/fr/classified-compilation/20022618/index.html> (Accessed 11 January 2015).

¹⁸⁰ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁸¹ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

¹⁸² Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

children are submitted to no legal or administrative check, while article 495 of the Civil Code¹⁸³ limits the rights of children born as a result of incest or adultery, stipulating that, with respect to successional future, the child born of incest will never be able to receive more than food, and that the same will be true for children born of adultery, in the absence of legitimation. In practice, according to a Guinean government report of 2011¹⁸⁴, a natural child, or one born of adultery or incest, has often no right to inherit from the presumed father, sometimes even if the child has been recognised. Also, girls do not inherit from their fathers.

7.6 Child protection services and social services

119. A 2011 report by the Guinean government¹⁸⁵ indicates:

‘Children who are victims of abuse and violence benefit from being taken into care thanks to collaboration and coordination mechanisms between the key actors of the children protection. The community-based child protection mechanism, that includes all actors from communities up to support services through to the central level, refers child victims to be taken into care, and reports the perpetrators of the abuse.

In Labé an advisory committee has been put into place, which is composed of the public administration and NGOs in charge of the protection of children in the region.

In Conakry and in N’Zérékoré, Sabou Guinea is a partner to several consultation, collaboration and referral mechanisms for children in difficult situations: 230 Guinean or foreign children have benefited from referral and care mechanisms.

At the sub-regional level, Sabou Guinea collaborates with protection agencies from countries such as: Senegal, Mali, the Ivory Coast, Guinea Bissau, Benin, Burkina Faso and Niger.

Reintegration and rehabilitation of children who have been victims of violence is undertaken by the NGOs, as well as the state social and health structures. This comprehensive care approach is carried out through health, nutritional, educational and psycho-social follow-up.’

120. According to a DNE official¹⁸⁶, there is no national policy regarding the services for alternative care for children. There is a project for a ministerial decree regulating reception centres but, for a number of years, this project has not advanced. In 2013, TdH¹⁸⁷ indicated:

‘In Guinea, the lack of instruments and legal norms relative to the placement of children, as well as the management and checking of care and hosting institutions, heavily accentuates the vulnerability of children victims of violence. [...] The Guinean authorities are no longer able to know the exact number of families offering care, of residential and care centres children, of the children placed in these institutions. Information that informally feeds back to the DNEPPE leads us to think that children who have been placed are at risk of being used as mere stock in trade,

¹⁸³ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

¹⁸⁴ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC) (December 2011).*

¹⁸⁵ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC) (December 2011).*

¹⁸⁶ Head of the “Child in danger, placement and adoption” section of MASPFE, interview of July 29, 2014.

¹⁸⁷ Terre des Hommes (TdH) *Preventing, detecting and fighting violence inflicted on children in care centres in Guinea* (Project proposal submitted to the EU in 2013).

notably for unlawful adoption and child trafficking. Many among them find themselves trapped in institutions working in a very opaque, unprofessional and underfunded manner. Problems of hygiene, food, healthcare and support combine to create an environment that increases the risk of violence, notably for the youngest children and for girls.’

121. According to a DNE official¹⁸⁸, the state social services are financed by the Ministry for Social Action, (MASPFE) through the National Investment Budget (BNI). The source specifies that the sums allocated are intended for equipment, transport, staff training and follow-up missions.
122. Among all the sources consulted within the framework of this report, little recent information could be found as to the number, distribution or target groups of care and residential centres for children.

7.7 Availability, accessibility and quality of family houses, shelters and other forms of alternative protection

123. According to a DNE official¹⁸⁹, there are several private care institutions for children in all regions of the country. These institutions undergo no periodic review and overall do not conform to international norms. In 2013, TdH¹⁹⁰ indicated:

‘The National Directorate for Preschool Education and the Protection of the Child (DNEPPE), which is the Ministry for Social Action’s central service in charge of matters of children rights protection and their well-being, released in September 2005 the only existing report to this day on the question of children placed in centres or in care families¹⁹¹. This report enumerates 45 reception centres and 2 groups of care families, and counts 4,822 children (of whom 55% are girls), of whom the great majority are older than 6. The authors of the report openly denounce an overall catastrophic and unacceptable situation, characterised by inadequate and unhealthy premises, a lack of educational equipment, lack of skills on the part of the caregiving staff, disastrous hygienic and sanitary conditions to the point of causing tens of deaths each year, forms of economic and sexual exploitation, physical abuse and cases of unexplained disappearances. Thus, the risk of violence to which children are exposed in these care institutions seems extremely high, even though their placement is supposed to be responding to specific protection needs. The situation has not been addressed since 2005. Everything leads to believe that it must have even worsened because of the considerable socio-economic and political difficulties that Guinea has endured over the course of the past decade.’

124. In 2012, TdH¹⁹² reported on the faults common to care centres, notably i) the lack of staff trained in hygiene and sanitation; ii) the shortcomings in the protection system and the lack of clear procedures for addressing the abuse and violence committed on children; iii) the insufficiency

¹⁸⁸ Coordinator of protection activities of the DNE, interview of July 31, 2014.

¹⁸⁹ Head of the “Child in danger, placement and adoption” section of MASPFE, interview of July 29, 2014.

¹⁹⁰ Terre des Hommes (TdH) *Preventing, detecting and fighting violence inflicted on children in care centres in Guinea* (Project proposal submitted to the EU in 2013).

¹⁹¹ National Directorate for Preschool Education and the Protection of the Child (DNEPPE) *Mission report on the monitoring inspections of living conditions of children in need of special protection measures in institutions (orphanages, homes, reception centres and prisons)* (2005).

¹⁹² Terre des Hommes (TdH) *WASH Assessment/Protection of care centres in Conakry* (August 2012).



of training on rights and the protection of children; iv) the poor visibility of adoption procedures.

125. According to a person¹⁹³ interviewed within the framework of this report, the alternative care institutions are managed by national NGOs and are mainly financed by the private sector and by international organisations (INGOs, UNS, embassies). According to TdH¹⁹⁴, these institutions receive donations and legacies from benefactors sympathetic to the cause of destitute children.

126. The OHCHR¹⁹⁵ reports that the Guinean government has declared:

‘[...] the majority of children in vulnerable situations in Guinea are not found in the institutions. Taking into account the strong solidarity that prevails within our society, there is in fact a considerable protection network for these children taken into the care of the enlarged family.’ [ED: this practice, like the custom of placing orphans in foster care families, often takes place outside the legal framework.]

¹⁹³ Head of the “Child in danger, placement and adoption” section of MASPFE, interview of July 29, 2014.

¹⁹⁴ Terre des Hommes (TdH) *WASH Assessment/Protection of care centres in Conakry* (August 2012).

¹⁹⁵ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

7.8 Corporal punishment as a disciplinary measure in alternative care institutions

127. Article 403 et seq. of the Children's Code¹⁹⁶ provide that:

'Anyone found guilty of physical and psychological abuse, of wilful deprivation of care or food, whether inflicted to children within the family, school or institutional environment, or otherwise, will be punished by imprisonment of 1 to 2 years and by a fine of 100,000 to 250,000 Guinean francs, or one of the two penalties alone.'

A report published in 2014 by a group of international organisations¹⁹⁷ indicates that the Children's Code¹⁹⁸ forbids 'all forms of physical and psychological abuse' within the family, in schools and institutions (art. 403). On the other hand, it does not explicitly forbid corporal punishment, and there is no proof establishing that all forms of corporal punishment employed in the education of children, even light, would be considered as "abuse". According to the same report, there is no explicit ban on corporal punishment in care institutions for children. The same report specifies with respect to schools that: 'a ministerial circular advises against the use of corporal punishment (information not confirmed), but there is no explicit prohibition in the legislation'.

128. According to a study by Plan Guinée¹⁹⁹ published in 2011:

'The majority of schools (70.33%) claim that corporal punishment and degrading treatment are practiced. Material evidence of corporal punishment (whips, rubbers, sticks, etc.) have been picked up in all the primary schools classrooms and community care centres during inspections on the field. Data collected shows that the average number of pupils victims of corporal punishment in the public primary schools is over 30 per week.'

According to the UNCRC²⁰⁰, parents consider the use of corporal punishment as an acceptable practice. A report by the Guinean government²⁰¹ indicates that complaint procedures are accessible to children and to people acting in their names, and that legal assistance can be obtained on request. However, among all the sources consulted within the framework of this report, no information could be found on cases of complaints for corporal punishment that would have led to an administrative or legal ruling.

¹⁹⁶ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁹⁷ Global Initiative to End All Corporal Punishment of Children, Plan International, Save the Children *Prohibiting corporal punishment of children in West and Central Africa: Progress Report 2014*.

¹⁹⁸ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

¹⁹⁹ Plan Guinée *Study report on the situation analysis of children in Guinea* (August 2011).

²⁰⁰ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

²⁰¹ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).



8 Special protection measures

8.1 Children in conflict with the law

129. Article 345 of the Children's Code²⁰² provides that under no circumstances can capital punishment or life imprisonment without the possibility of liberation be applied for offences committed by children aged less than 18 at the time of the offences.

It must be noted that the topic of the age of liberty deprivation is discussed above in section 3.13.

130. The UNCRC²⁰³ declared in 2013:

'While welcoming that a juvenile court has been established in Conakry and that training in the administration of juvenile justice is organized in all trial courts, the Committee is concerned that:

- a) Outside the capital, the courts and the judges, prosecutors and professionals are not specialized.
- b) Deprivation of liberty is the most common sentence for children in conflict with the law, including for children as young as 13 years old.

²⁰² Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²⁰³ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

- c) Children are placed in pre-trial detention for long periods of time until the “cour d’assises” can consider their case; trials are held in public hearings, and children are rarely provided with legal assistance due to the shortage of the number of lawyers.
 - d) Children are detained with adults and that the number of juvenile justice facilities is insufficient.
 - e) Many children in conflict with the law are held in prison for petty offences while their parents are unaware of their detention; and
 - f) The views of the children are not fully heard during police questioning or hearings; some have confessed to crimes as a result of torture’.
131. The Guinean government²⁰⁴ indicated in 2011 that, apart from the prisons²⁰⁵ of Conakry, Kindia and N’Zérékoré, detention centres lack separate units for minors. Children share the same courtyard as adults. On July 24, 2014, Sabou Guinea counted 105 minors, of whom 9 girls, in detention at the Conakry prison. Among the minors, only 23 had been sentenced, while the others were in preventive detention. They were mainly prosecuted for theft (47), armed theft (10), rape (2), assault and battery (4), breach of trust (1), causing affray (1), arson (1), vagrancy (7), murder (8) or fetishism (1). Sabou Guinea has noted that female and male children are housed separately, but that the children are not separated from the adults. Minors are being detained outside of the minors’ unit. This is the case of all minor girls. The Guinean government²⁰⁶ pointed out in 2011 that in the Siguiri prison too, minors are not separated from adults.
132. The Children’s Code²⁰⁷ provides that children from 10 to 13 years can only be submitted to protection, assistance, monitoring and education measures as provided by the law (art. 339, comma 4); children aged 13 to 18 years can only be detained temporarily in a prison by an examining judge as a last resort, and if the magistrate deems it impossible to take any other action (art. 341, comma 1); if guilt is established, the court takes one of the following measures: 1) return of the child to its family; 2) placement until the age of 18 either with a trustworthy person, or in an appropriate re-education centre (art. 343 comma 3); when a child from 13 to 18 is found guilty of an offence, the juvenile court can always impose educational measures, or community service. Articles 328 to 337 of the Children’s Code²⁰⁸ provide for a mediation mechanism, with the goal of stopping the effects of criminal prosecution, ensuring compensation to the victim, dealing with the negative consequences of the offence and contributing to the rehabilitation of the offender.

²⁰⁴ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child* (ACRWC) (December 2011).

²⁰⁵ There are two types of prison in Guinea: the central prisons at the regional level, and the civil prisons at the prefecture level.

²⁰⁶ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child* (ACRWC) (December 2011).

²⁰⁷ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²⁰⁸ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

133. According to several sources²⁰⁹, in practice, minors in conflict with the law cannot benefit from alternatives to detention in the conditions provided by the law, since there are neither prefectural mediators, nor monitored centres for delinquent minors, or arrangements for community service.
134. Among all the sources consulted within the framework of this report, no information on specific groups being overrepresented in the justice system for juveniles could be found.
135. Interviews conducted within the framework of this report²¹⁰ indicate that in communities, people who have been detained in prison are sometimes marginalised and sometimes rejected after being released.

8.2 Orphans, non-accompanied children and separated children

136. A 2011 report by the Guinean government²¹¹ indicates that, in the past, the HCR, the ICRC and the IRC took over responsibility for non-accompanied children having been affected by conflicts in neighbouring countries. According to the same report, at the present time, several organisations, among which: UNICEF, the Office for the Protection of Gender, Children and Morals (OPROGEM), the child protection NGOs and the ministry in charge of the protection of children, work together to trace families and enable reunification for non-accompanied or separated children. Tracing and family reunification concerns both internal cases in Guinea and transnational cases (Guinean children abroad or foreign children in transit or resident in Guinea). The same report indicates that in Guinea, a child is considered to be the “property” of the wider family or even of the community. In practice, orphans, non-accompanied or separated children are often put into the care of a family member or the community without notifying the authorities, and outside any administrative or legal procedure.
137. Among all the sources consulted within the framework of this report, no relevant, credible or recent information could be found on the number of orphans, non-accompanied or separated children, nor on the number of children in alternative care services in Guinea. However, this does not mean that such cases/situations do not exist.

Please note that the matter of family environment and alternative care is discussed in section 7 of this report.

²⁰⁹ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011); Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014.

²¹⁰ Head of the Sabou Guinea Office in Labé, interview of August 5, 2014; Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014.

²¹¹ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

8.3 Child victims of trafficking

The law and its application

138. The Republic of Guinea has ratified and published the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography²¹² through Law L/2001/024/AN of December 10, 2001. This protocol entered into force after the submission of the ratification instrument in November 2011. The additional protocol to the United Nations Convention against Transnational Organized Crime aiming to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was ratified in November 2004.
139. At the national level, there is no law on human trafficking. The practice is condemned in texts scattered through the Children's Code²¹³ and the Criminal Code²¹⁴. Article 337 of the latter condemns human trafficking but, according to a 2008 IOM study²¹⁵, the provisions of this article: 'do not correspond to the international definition of the crime of human trafficking as contained in the protocol on trafficking'. Other provisions of this code relate to crimes similar to trafficking or likely to be an element of trafficking. Those include notably the falsification of official documents (articles 162-173); inciting a minor to beg (article 276); the pawning of human beings (articles 338-339).

Articles 385 to 396 of the Children's Code²¹⁶ are dedicated to the protection of children against human trafficking. Other crimes linked to trafficking and the exploitation of children are addressed in this code: rape (articles 352-354); paedophilia (article 355); inciting children to prostitution, pornography and sexual tourism (articles 356-364); taking children as hostages (article 365); kidnapping and selling of children (articles 366-384); the pawning and enslaving of children (articles 397-399) inciting children to beg (articles 401-402); violence towards children (articles 403-410); using children in armed conflict (article 429). Articles 411 to 428 of this code deal with child labour and contain elements relevant to the protection of children against exploitation.

140. According to a 2008 IOM study²¹⁷, from the procedural point of view, at least one of the three "types" of human trafficking envisaged by the Guinean Criminal Code²¹⁸ is considered a "crime", a category of offence that should be judged before a Criminal Court. This constitutes a major obstacle to the fight against human trafficking, because Criminal Courts only sit irregularly and infrequently. Beyond the difficulties faced by the authorities in collecting the necessary evidence to undertake prosecution,

²¹² *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and pornography using children, adopted in New York, May 25, 2000* <http://www.admin.ch/opc/fr/classified-compilation/20022618/index.html> (Accessed 11 January 2015).

²¹³ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²¹⁴ Criminal Code of the Republic of Guinea, Law n° 98/036 of December 31, 1998, on the Criminal Code <https://sites.google.com/site/guineejuristes/CODEPENAL.pdf> (Accessed 11 January 2015).

²¹⁵ International Organization for Migration (IOM), Tomolova K. *Human Trafficking in Guinea: Analysis and Proposals for a New Legal Framework* (June 2008).

²¹⁶ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²¹⁷ International Organization for Migration (IOM), Tomolova K. *Human Trafficking in Guinea: Analysis and Proposals for a New Legal Framework* (June 2008).

²¹⁸ Criminal Code of the Republic of Guinea, Law n° 98/036 of December 31, 1998, on the Criminal Code <https://sites.google.com/site/guineejuristes/CODEPENAL.pdf> (Accessed 11 January 2015).

the risks of nepotism and corruption among public officials, as well as the structure of the criminal procedure system in Guinea itself constitute an impediment to the prosecution of traffickers. An NGO official²¹⁹ declared that often, magistrates would rather prosecute traffickers for other offences linked to trafficking but for which it is easier to collect the necessary evidence for prosecution. The same source points out that, to his knowledge, the first conviction was pronounced on July 8, 2014, by the Court of First Instance in Labé, which sentenced three people found guilty of human trafficking to four months in prison each, referring to articles 385 and 386 of the Children's Code²²⁰, article 49 of the Criminal Code²²¹, and articles 463 and 466 of the Code of Criminal Procedure.

141. A 2014 report by the HCHR²²² indicates that victims and witnesses protection in the area of justice remains a worrying question. In 2013, at least 12 cases out of 72 victims reported having been threatened and harassed, and expressed their fear of reprisals against their parents. This situation often led to charges being dropped. The only special witness protection measure that could be found in the Guinean legislation is article 394 of the Children's Code²²³ which provides that courts may order closed hearings in order to protect the child victims' identity and privacy.

Practice and prevalence of child trafficking

142. A 2012 report by the Guinean government²²⁴ indicated that the:

'National Survey on Child Trafficking in Guinea (ENATEG 2003), the first and last survey of this type at national scale, indicated that the phenomenon of child and girls trafficking is considerable in Guinea, and the country is as much a receiving country, as one of origin and transit for the trafficking of children'.

Reports of child trafficking in Guinea that are regularly published by several government and non-governmental organisations²²⁵ confirm this fact. Analysis shows that these reports provide mostly qualitative data, but very rarely quantitative data. The rare statistical data often come from secondary sources, and turn out to be incomplete, dissimilar and non-homogenous. Among all the sources consulted in the framework of this report, no information relative to a systematic and reliable arrangement for registering data on child trafficking, other than random inquiries, could be identified.

²¹⁹ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

²²⁰ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²²¹ Criminal Code of the Republic of Guinea, Law n° 98/036 of December 31, 1998, on the Criminal Code <https://sites.google.com/site/guineejuristes/CODEPENAL.pdf> (Accessed 11 January 2015).

²²² Office of the High Commissioner for Human Rights (OHCHR) *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea* (11 February 2014) <http://www.refworld.org/pdfid/53341e064.pdf> (Accessed 9 August 2014).

²²³ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²²⁴ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Replies to the list of issues concerning additional and updated information related to the consideration of the second periodic report of Guinea (crc/c/gin/2)* (October 2012).

²²⁵ Those include notably i) periodic reports by the Guinean government on the implementation of its regional commitments (Multi-lateral cooperation agreement on the fight against child trafficking in West Africa, Bilateral cooperation agreement between Mali and Guinea on child trafficking, Action plan of the ECOWAS on the fight against human trafficking), ii) annual reports by the United States government on human trafficking, that devote each year several pages to human trafficking in Guinea, iii) activity reports from NGOs participating in the fight against child trafficking in Guinea (ACEEF, AEJTG, AGUIAS, Sabou Guinea), iv) report of the national survey on child labour and trafficking in Guinea of 2010, v) report by IOM published in June 2008 and entitled: *Human Trafficking in Guinea: Analysis and Proposals for a New Legal Framework*.

A national survey into child labour and trafficking in Guinea (ENTE), undertaken in 2010²²⁶, estimated that 44,068 children between the age of 5 to 17 would be at serious risk of being victims of trafficking.

Table 9: Distribution of children at risk of being victims of trafficking by sex and age group²²⁷

Characteristic	Percentage
Sex	
Male	37.8
Female	62.2
Age	
5-11 years	29.6
12-15 years	35.5
16-17 years	35.4

The US government²²⁸ claims that in Guinea, the majority of trafficking victims are children, and that the incidents of trafficking are more prevalent among Guinean citizens than among foreign migrant residing in the country.

143. Some sources²²⁹ indicate that the main destinations of children victims of trafficking or child labour are: Senegal, Mauritania, Saudi Arabia, Mali, Cape Verde, Guinea-Bissau, Morocco, Ivory Coast, Benin, France, Italy, Switzerland, Ukraine, Belgium, the Netherlands, Greece and Spain. The main countries from which the children come are: China, Vietnam, India, Morocco, Nigeria, Mali, Liberia, Sierra Leone, Burkina Faso, Guinea-Bissau and Ghana.
144. The number of child victims of trafficking identified by the government is unknown. The Guinean government²³⁰ indicates that OPROGEM, who centralises statistics of intercepted children, recorded no cases of child trafficking in 2013, while several cases of children who were intercepted and presumed to be victims of trafficking were recorded in 2010 and in 2011 as well as in 2014:
 - In March 2014, the Defence and Security Forces stopped 22 children being trafficked at the Guinea-Senegal border, coming from the prefecture of Dinguiraye. These children have been brought back to their prefecture of origin thanks to coordinated action between the Ministry for Social Action, the United States Embassy, and a national NGO.

²²⁶ Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea* (2010).

²²⁷ Extract from the 2010 ENTE report, table 7.2.

²²⁸ United States Department of State *Trafficking in Persons Annual Report* (2014) pp. 191-193. <http://www.state.gov/documents/organization/226846.pdf> (Accessed August 7, 2014).

²²⁹ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014); IOM Staff in Conakry, replies to the questionnaire of August 21, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

²³⁰ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

- In September 2011, the Defence and Security Forces intercepted 11 children being trafficked: 4 in Koundara, 1 in Kankan and 6 in Forécariah (their ages varied between 6 and 13, 3 were girls and 3 boys). These children have also been returned by a national NGO.
- From September 2010 to September 2011, a project financed by the American government and put into operation by a coalition of NGOs²³¹ identified and offered services to 500 children presumed victims of internal trafficking (their ages varied between 6 and 17 years) in the prefectures of Dinguiraye, Dabola, Faranah, Téliélé and Kindia.
- On January 4, 2010, 17 children were intercepted by the mixed brigade (departmental gendarmes and police) at a road checkpoint in Mamou. They all came from Kalenko in the prefecture of Dinguiraye. Among them, 16 children were aged between 10 and 18 years, and 10 were girls. They were expected in Conakry by parents or by supposed employers. The children and their accompaniers were turned over to the Vice Squad (later to become OPROGEM). The two adult accompaniers were placed in provisional detention at the Judiciary Police Directorate. After having been placed in a national NGO's transit centres in Conakry, the children were reunited with their families by the government, with the support of UNICEF and of an international NGO.
- On January 21, 2010, the Mamou gendarmerie brigade intercepted 5 children being trafficked, aged from 3 to 11 years, all boys coming from Kankalabé (in Middle Guinea). They were transferred to the transit centre of a national NGO in Mamou before being reunited with their families.
- In 2009, a 12-year-old boy was kidnapped by two unknown men in the municipality of Tabiliy, in the Coyah prefecture, who then transported him to Liberia with the intention of selling him. The child and one of the kidnappers were stopped in the city of Voinjama (Liberia) by the police of the United Nations mission in Liberia. The child was handed over to a Liberian police officer and the offender detained at the city's prison. After around 8 months of investigation, the child was repatriated to Guinea, thanks to a combined mission of OPROGEM and an international NGO. A national NGO was given responsibility for reuniting the child with his family and for the follow-up on his social and school reinsertion. The detainee was also handed over to the Guinean authorities to answer for his actions.

145. Among all the research undertaken, no report was found concerning child trafficking victims handed into slavery to pay for debt. However, this does not mean that such cases/situations do not exist.

Reasons for the exploitation and trafficking of children

146. In 2007, Human Rights Watch (HRW)²³² reported that:

'Frequently, parents send their children to live with members of the family when they live in a bigger town. Parents in rural areas often think that life in the city is easier, and that it offers more opportunities – even if their city relatives are poor. In particular, parents often hope that

²³¹ Of which, notably, World Education Guinea, Plan Guinée, Child Fund, Sabou Guinea, Monde des Enfants.

²³² Human Rights Watch (HRW) *At the Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea* (2007).

their children will receive an education or professional training in the town and will therefore later get a good job. [...]

However, poverty and underdevelopment are not the only factors at play. There are also great prejudices against the education and independence of girls in the rural areas, which serve to “direct” girls on the track to the domestic work. Girls are expected to perform domestic work and then to marry young. Sending girls away to do domestic work becomes one of the few accessible “prospects”. Parents sometimes “offer” their child as a helper in the house of a family member, or when they are asked to do so. For example, they can do so when other members of the related family have no children, almost as a way to “adjust the demographic imbalance”. [...]

Members of the family may also frequently ask that a girl be sent after the birth of a baby, to help look after the infant. [...]

In yet other cases, parents send their children to other family members because there is a family crisis, for example a divorce, or illness. [...]

Most girls are sent into other families at such a young age that they neither can express the desire nor choose themselves to go away. [...]

Some of the girls interviewed by Human Rights Watch said that they were impatient to go looking for such job opportunities. They are often under the impression that they must do so to contribute to their family’s low income.’

147. In a 2010 survey undertaken by the Guinean National Institute of Statistics (INS) and the ILO²³³, children who were interviewed cited as reasons for their moving, which exposed them to the risk of trafficking:

- Apprenticeship in a trade (cited by 21.6% of the children).
- Help with domestic work in the reception household (12.4%).
- Schooling (7%).
- A better life (5%).

148. Interviews conducted within the framework of this report²³⁴ indicate that the practice of underage and arranged marriage often exposes girls to trafficking and exploitation situations. This happens especially when girls must travel to join her “husband” in a foreign country. In group interviews made within the framework of this report, the following testimonies were collected:

‘They gave a 14-year-old girl to be married to one of my older brothers, furthermore without my brother’s consent, and that had serious consequences for the girl.’

²³³ Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea* (2010).

²³⁴ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014; Group of people coming from Upper Guinea now residing in Conakry, interview of August 21, 2014; Person coming from Temessadoudjigbo, Gueckedou, interview of August 9, 2014.

'I remember the case of the marriage of a 13-year-old girl in Kankan and then sent to Angola to her husband's home...'

Types of exploitation and recruitment processes

149. Several organisations²³⁵ report that the victims of trafficking are subjected to several forms of exploitation: domestic work, commercial sexual exploitation, begging, street vending, shoe shining, work in the fields and plantations, work in mines and quarries, enrolment in armed conflict. According to the ILO and the INS²³⁶, children are often used as family helpers, employees, apprentices or workers. As for the places where children are working, we note that around 29.6% of children at risk of trafficking work in plantations, farms or gardens. Almost one in five children (20.7%) works at a moving site or on the streets, 13.8% work in shops/markets/kiosks and 13.6% work in homes.
150. Several sources²³⁷ indicate that:
- Recruitment of children generally takes place within the wider context of child mobility. Sending children to grow up with other members of the family is a common social practice in Guinea which is sometimes called "fostering", or placement of a child in a foster family. Many of these placements happen with family members, but parents also send their children to live with people who do not belong to the family, such as friends, godparents, acquaintances, or even complete strangers. Parents in the rural areas often think that life in the town is easier, and that it offers more opportunities.
 - Other children are recruited by people who have come to their village and negotiated placement conditions with their parents.
 - In large cities, several people play the role of intermediary: they organise the recruitment, transport and the placement of children coming from their region of origin.
 - Other children may present themselves spontaneously to these intermediaries and entrust themselves to them for a placement in a family.
 - Guinean child trafficking victims come notably from the prefectures of Mali, Koundara, Labé, Dinguiraye, Guéckédou and Siguiri.
 - Internal trafficking within the country is much greater than international trafficking.

²³⁵ CNLTP, IOM, United States government, Sabou Guinea, ACEEF, HRW.

²³⁶ Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea* (2010).

²³⁷ Human Rights Watch (HRW) *At the Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea* (2007); International Organization for Migration (IOM), Tomolova K. *Human Trafficking in Guinea: Analysis and Proposals for a New Legal Framework* (June 2008); Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child* (ACRWC) (December 2011); Sabou Guinea, various activity reports.

Complicity and consent of parents, of other family members or of guardians in organising trafficking

151. A report by the INS and the ILO²³⁸ published in November 2011 indicates that 82.2% of children at risk of being trafficked have been brought to the reception household by one of their relatives (father, mother, uncle, aunt, grandparents, other relative, etc.). In most cases, the parents made the decisions and negotiated the departure with the guardians and employers. According to IOM²³⁹, the only cases of tacit parental consent were revealed when talibés children²⁴⁰ coming from the isolated regions of Upper Guinea were intercepted in 2009 and 2012, and in cases of fostering of children to intermediaries. The parents are accused of having handed over these children to relatives, or to Koranic trainers in order to study in Koranic schools, notably in Senegal, Mauritania and in Saudi Arabia.

Authority in charge of the protection of child trafficking victims

152. According to some sources²⁴¹, it is the CLNTPE who is in charge of the protection of child trafficking victims. In 2014, the US government²⁴² reported that this committee met twice in one year, and had no budget to support its activities.
153. A 2014 report by the Guinean government²⁴³ indicates that:

‘The OPROGEM, the protection of children directorate at the level of the Directorate for Judicial Investigations (DIJ) of the national gendarmerie, the organs of the Protection of the Child System in Guinea (SYPEG) [ED: local coordinators for the protection of children] as well as the NGOs for the protection of the child are the major actors responsible for identifying children vulnerable to such practices [ED: human trafficking].’

154. The UNCRC²⁴⁴ noted in 2013 that: ‘The relationship between the specialized police unit responsible for child labour and child trafficking investigations, and the National Committee for the Fight Against Trafficking in Persons has yet to be clearly defined.’

Intervention by the authorities to prevent child trafficking

155. In 2014, the US government²⁴⁵ reported that, over the past years, the Guinean government has shown little effort to prevent human trafficking. No significant awareness-raising and education campaign against human trafficking has taken place. No tangible action has been undertaken to reduce the demand for forced labour or the sex trade.

²³⁸ Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea* (2010).

²³⁹ IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

²⁴⁰ Children enrolled in a Koranic school.

²⁴¹ Head of the “Child in danger, placement and adoption” section of MASPFE, interview of July 29, 2014; IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

²⁴² United States Department of State *Trafficking in Persons Annual Report* (2014) pp. 191-193. <http://www.state.gov/documents/organization/226846.pdf> (Accessed 7 August 2014).

²⁴³ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁴⁴ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

²⁴⁵ United States Department of State *Trafficking in Persons Annual Report* (2014) pp. 191-193. <http://www.state.gov/documents/organization/226846.pdf> (Accessed 7 August 2014).

Periodic reports by the Guinean government on implementing its regional and international commitments²⁴⁶ mention several interventions on part of the authorities against child trafficking, of which notably:

- The organising, since 2002, of regional workshops to spread information about international legal instruments such as the additional protocols to the CRC in relation to the sale of children, prostitution and pornography using children²⁴⁷, and the involvement of children in armed conflicts²⁴⁸.
- The awareness-raising campaign for members of the Defence and Security Forces posted along the borders, on the fight against the sale and trafficking of children, between 2007 and 2009, by the armed forces' Unit for the Promotion and Protection of the Rights of the Child.

Identification and protection of child trafficking victims

156. Among all the sources consulted within the framework of this report, no information could be found as to a formal national procedure enabling the identification and/or protection of child trafficking victims. According to the analysis of several activity reports by state authorities and NGOs²⁴⁹, it appears that several structures/organisations are engaged in the identification and/or protection of child trafficking victims: Ministries for Social Action, of Justice, of Foreign Affairs, National Committee Against Human Trafficking (CNLTP), OPROGEM, NGOs, INGOs, DSPE. These organisations use procedures that are not harmonised, and work with each other in an irregular and uncoordinated fashion. Sometimes the procedures worked out within the framework of networks and other mechanisms for the implementation of regional agreements²⁵⁰ are applied. According to a 2014 report by the Guinean government²⁵¹, the main actors who identify child trafficking victims or at risk of trafficking are: OPROGEM, the Directorate for Judicial Investigations (DIJ) of the National Gendarmerie, the Protection of the Child System in Guinea (SYPEG) as well as the NGOs for the protection of the child. Unexpected police raids in recreational establishments, motels and wharfs are organised to detect child trafficking victims. Sources²⁵² point out that there are regular interceptions of children presumed to be trafficking victims at

²⁴⁶ Multilateral cooperation agreement in the fight against child trafficking in West Africa, Bilateral cooperation agreement between Mali and Guinea on human trafficking, Action plan of the ECOWAS on the fight against human trafficking, Optional protocols to the Convention on the Rights of the Child.

²⁴⁷ *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and pornography using children, adopted in New York, May 25, 2000* <http://www.admin.ch/opc/fr/classified-compilation/20022618/index.html> (Accessed 11 January 2015).

²⁴⁸ *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, May 25, 2000* <http://www.admin.ch/opc/fr/federal-azette/2001/6007.pdf> (Accessed 12 January 2015).

²⁴⁹ CNLTP, OPROGEM, COLTE/CDE, Sabou GUINEA.

²⁵⁰ The West African Network for the protection of children (RAO), whose main mission is the transnational protection of children and young migrants who find themselves in difficult situations, with the objective of their social reinsertion, as well as helping to create with and for them perspectives for the future; the Multilateral cooperation agreement on the fight against child trafficking in west Africa; the Bilateral cooperation agreement between Mali and Guinea concerning child trafficking; the Action plan of the ECOWAS on the fight against human trafficking.

²⁵¹ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁵² IOM staff in Conakry, replies to the questionnaire of August 21, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

checkpoints on road links. According to a 2014 report by the United States government²⁵³, the Guinean government has not been pro-active in the identification of victims. It has not been able to provide victims with direct access to legal, medical or psychological services. It has not provided direct support or support in kind to the local and international NGOs that the victims into care. The Guinean government continues occasionally to refer victims to NGOs, and to work with these NGOs for the reunion of victims with their families. The protection of trafficking victims by the Guinean government is very limited and difficult to evaluate.

Care and aid to child trafficking victims

157. The Guinean government²⁵⁴ indicated in 2014 that the NGOs contribute to taking victims into care (sheltering, school and work reinsertion). Religious organisations, the media and grassroots communities work together for the protection of the child, with support from the state, and from technical and financial partners.
158. IOM²⁵⁵ indicates that it offers care and aid to child trafficking victims, notably: interactive listening – referral to a protection NGO (sheltering, housing, food, school registration or apprenticeship according to the victim's age and in relation to the child's best interest, etc.), psychological support, health care in cases of sexual abuse with consequences, and trauma. According to the same source, around 7 children who were victims of cross-border trafficking have been reunited with their families between 2005 and 2009 and benefited from the advice and mediation services of IOM and of Sabou Guinea.
159. According to IOM²⁵⁶, the Children's Code²⁵⁷ gives NGOs the possibility of filing a civil suit in the name of trafficking victims. However, among the sources consulted within the framework of this report, no information could be found concerning an NGO that would have used this possibility in favour of a child trafficking victim.

8.4 Children in armed conflicts

The legislation on the involvement of children in armed conflict

160. The Republic of Guinea ratified and published the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict²⁵⁸ through Law L/2001/020/AN of December 10, 2001. It came into force on August 5, 2011.

²⁵³ United States Department of State *Trafficking in Persons Annual Report* (2014) pp. 191-193. <http://www.state.gov/documents/organization/226846.pdf> (Accessed 7 August 2014).

²⁵⁴ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁵⁵ IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

²⁵⁶ IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

²⁵⁷ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²⁵⁸ *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, May 25, 2000 <http://www.admin.ch/opc/fr/federal-azette/2001/6007.pdf> (Accessed January 12, 2015)].

161. The HCHR²⁵⁹ reports statements by the Guinean government as follows:

‘No child under 18 years of age is called up nor recruited by the army, the delegation further assured. Besides, for several years, military service has no longer been compulsory in Guinea, but only voluntary [...]’

The involvement of children in armed conflict in Guinea

162. Among all the sources consulted within the framework of this report, no information could be found about recent or potential armed conflict in which children might be involved. The most recent information dates back to 2000-2002 and 2009.

163. According to the Guinean government²⁶⁰:

- ‘Guinea was the victim of rebel attacks in 2000 in the south and southeast. To defend the country, we have witnessed the direct involvement of more than 9,000 children and young people organised in self-defence groups to liberate the occupied zones.
- With the cooperation of the ICRC, 23 children who were ex-fighters from Liberia were demobilised and repatriated to Forested Guinea. These children were able to be reunited with their families and each one of them benefited from an individual follow-up project by the NGO Sabou Guinea, thanks to UNICEF financing.
- According to information we received, between 2000 and 2002 (rebel incursions in Guinea in September 2002), at the time, the HCR, in collaboration with the authorities and partners, had to deal with cases of children who were victims of practices forbidden by the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict²⁶¹, in refugee camps in the forested region.’

164. A 2014 report by the Guinean government²⁶² indicates that ‘the Republic of Guinea was never faced with conflicts leading to the training of armed groups in its territory, even less from other territories.’ However, according to an NGO²⁶³, the recruitment of minors in the militia took place in the months of January, August and September 2009, in Conakry and in Forested Guinea.

Prevention policy and measures in the fight against child recruitment

165. Among all the sources consulted within the framework of this report, no information could be found concerning a policy to prevent and fight against the recruitment of children in armed groups or forces.

²⁵⁹ www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F (Accessed July 24, 2014).

²⁶⁰ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011); CGSDE *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁶¹ *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, May 25, 2000* <http://www.admin.ch/opc/fr/federal-azette/2001/6007.pdf> (Accessed January 12, 2015).

²⁶² Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁶³ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

166. In 2014, the Guinean government²⁶⁴ cited measures aimed at preventing and fighting against such recruitment, which have been taken in Guinea:
- Training of children and young people, establishment of organisations made up of children (PEG, CCEJ, Club CDE, GE), who carry out advocacy and social mobilisation activities.
 - Inter-sectorial consultation set off by the Ministry for Human Rights and Public Liberties, in order to include programmes courses on human rights, the promotion and consolidation of peace in secondary and higher education.
 - Training in international humanitarian law, human rights, rights of the child and women's rights in the gendarmerie and police schools, and in military training centres.
 - Setting up of a Unit for the Promotion and Protection of Children within the Guinean armed forces (2005-2011).
167. An NGO official²⁶⁵ indicates that the Unit for the Promotion and Protection of Children within the armed forces has collaborated with the main child protection and actors (NGOs, UNICEF, Ministry for Social Action, etc.) to train defence and security forces on the prevention of enrolment of children and the prevention of child trafficking, and on the protection of children in emergency situations. This unit has also encouraged civilian-military collaboration for the concrete management of cases of children that have required the involvement of the military hierarchy (maintaining order, state of siege, etc.).

Assistance, referral, rehabilitation and reinsertion of ex-child soldiers

168. The Guinean government²⁶⁶ reported in 2011 that, on the initiative of the Ministry in charge of Children, a demobilisation and socio-professional reinsertion programme was created in Forested Guinea, more precisely in the Kissidougou and Guéckédou prefectures. This project only concerned 350 children, that is, the youngest. They benefited from a professional training in eight promising sectors [ED: from 2003 to 2004]. Also, in cooperation with the ICRC, 23 ex-fighter children in Liberia were demobilised and repatriated to Forested Guinea. These children were able to be reunited with their families and each one benefited from an individual project [Ed: from 2005 to 2007].
169. An information note by UNICEF²⁶⁷ indicated in 2012 that a reintegration and rehabilitation project for children recruited in an irregular way into the armed forces of the Republic of Guinea and for vulnerable children was initiated in 2011 by UNICEF, WFP, the Guinean government and NGOs. The goal of this project is to support the social and economic reinsertion and psycho-social rehabilitation of children recruited in an irregular way by the armed forces, and for children identified as vulnerable, in order to reinforce peace in Guinea. According to an

²⁶⁴ Guinean Committee for the Follow-up on the Rights of the Child (CGSDE) *Initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (working document January 2014).

²⁶⁵ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

²⁶⁶ Guinean Committee for the Follow-up on the Protection of the Rights of the Child (CG/SPDE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

²⁶⁷ UNICEF *Reintegration and rehabilitation project for children recruited in an irregular way by the armed forces of the Republic of Guinea, and for vulnerable children – Information note for partners in the operations.*

interview undertaken within the framework of this report²⁶⁸, this project is still being carried out and its evaluation is expected very soon. This source added that the project benefited 1,830 young people, and contributed to consolidating peace since these young people renounced careers as soldiers. Some of them completed courses in professional training centres. Others were regrouped in cooperatives and became self-sufficient.

8.5 FGM/C (Female Genital Mutilation/Cutting)

Legislation and policy forbidding the practice of FGM

170. Article 405 to 410 of the Children's Code²⁶⁹ define and punish Genital Mutilation. Law L /010/2000 of July 10, 2000 on Reproductive Health in the Republic of Guinea, in article 13, forbids all forms of violence including genital mutilation. The Republic of Guinea's fundamental law provides in article 6 that: 'Every man and woman has the right to life and to physical integrity. No one may be subjected to torture, pain or cruel, inhumane and degrading treatment.' In January 2012, the ministry in charge of the Promotion of Women and Children adopted a national strategic plan to fight against female genital mutilation²⁷⁰.

Measures for the prevention and the fight against female genital mutilations

171. The Guinean government²⁷¹ indicated in January 2012 that the country has participated in several regional and international meetings relating to FGM²⁷². Several strategies were developed in the field by the government, its development partners, and civil society organisations active in the area. According to the same source, it is about, among others things: the conversion of circumcisers, the medicalization of FGM, a community approach based on human rights, listening and dialogue, the de-medicalization of FGM and the repression against circumcisers.

Practice and prevalence of FGM

172. The following table presents the percentage of women aged 15-49 who have been circumcised and their distribution (in %) by type of FGM²⁷³ and other socio-demographic characteristics:

²⁶⁸ Child Protection Officer of UNICEF-Guinea Conakry, interview of October 9, 2014.

²⁶⁹ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

²⁷⁰ National Directorate for the Promotion of Women and Gender (DNPFG) *National Strategic Plan for the Abandonment of Female Genital Mutilations 2012 –2016* (January 2012).

²⁷¹ National Directorate for the Promotion of Women and Gender (DNPFG) *National Strategic Plan for the Abandonment of Female Genital Mutilations 2012 –2016* (January 2012).

²⁷² Of which, among others, the meeting in Dakar, 1994, organised by the Inter-African Committee (CI-AF) on FGMs; Lomé – Togo in 2000: Regional conference of West and Central Africa on the protection of the rights of the child and women; Ethiopia, 2003, on Zero Tolerance for FGMs; Abuja (Nigeria) in March 2006: Workshop on the Strategic Plan relative to violence towards women in the ECOWAS sub-region.

²⁷³ See also section 4.3. Right to life and development, sections on *Infanticide, ritual crimes, suicides and gang violence and on Harmful cultural, social and traditional norms, practices or policies*.

Table 10: Percentage of excised women and their distribution by type of FGM and other socio-demographic characteristics²⁷⁴

Socio-demographic characteristics	Percentage of circumcised women	Type of FGM			
		Cutting, no flesh taken	Cutting, flesh taken	Vagina closed	Unknown/missing
Religion					
Muslim	99.2	5.9	83.5	7.9	2.8
Christian	78.4	3.2	87.8	3.2	5.8
Animist/without religion/other	89.5	0	91	7.5	1.5
Residence area					
Urban	96.8	10	74.4	9.8	5.9
Rural	97	2.9	89.6	6.2	1.3
Natural region					
Conakry	96.5	12	63.4	14.7	9.9
Maritime Guinea	99.7	11	83.7	4.5	0.9
Middle Guinea	99.9	0.8	86.9	11.9	0.4
Upper Guinea	99.6	0.7	94.6	3.5	1.3
Forested Guinea	89.1	1.2	93.5	3.2	2
Guinea in total	96.9	5.5	84.1	7.5	2.9

173. Corroborating sources²⁷⁵ indicate that female genital mutilation and cutting (FGM/C) is practiced in all regions by people belonging to all ethnic groups. From the point of view of beliefs and religion, only the Jehovah's Witnesses do not practice FGM/C.
174. According to the report of the EDS-MICS-2012²⁷⁶, 96.9% of women aged 15-49 stated they have been circumcised. This rate has remained practically the same as that recorded in 1999. The HCHR²⁷⁷, citing the Guinean government, indicates:

'There was a wave of FGM in 2011 when a charlatan marabout claimed that any girl who had not been circumcised would be the victim of a mortal illness, which hampered considerably the efforts made in the fight against these practices and thwarted the statistic evolution in this area.'

²⁷⁴ Extract from EDS-MICS-2012, Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012 (November 2013), Table 17.2 Practice of FGMs.

²⁷⁵ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013); Coordinator of the fight against FGM project of Sabou Guinea, interview of August 8, 2014; Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014; Group of people coming from Forested Guinea now living in Conakry, interview of August 18, 2014; Group of people coming from Upper Guinea now living in Conakry, interview of August 21, 2014.

²⁷⁶ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

²⁷⁷ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

One source²⁷⁸ indicates that, in 2011, antagonisms and leadership conflicts between religious leaders and the activists in the fight against FGM/C weakened the effectiveness of awareness-raising against FGM/C.

175. According to the EDS-MICS-2012 report²⁷⁹:

'Muslim women (67%), Peul women (79%) and women from the regions of Labé and Mamou (respectively 85% and 84%) are, in proportion, the most numerous to have been circumcised before the age of 10. In contrast, in the Guerzé ethnic group, FGM is practiced later (54% after the age of 10).'

The same report indicates that:

'[...] we note that although the role of the female practitioner of FGM remains considerable, the intervention of health care staff in the practice of FGM becomes increasingly frequent. In fact, we note that, while 79% of women aged 15-49 were excised by a traditional circumciser, this is only the case for 66% of girls aged 0-14. For them, a health care professional performed the FGM in 31% of cases, in contrast to 15% for their mothers. It is mainly midwives who perform FGM (28%). Among the overall total of women, this proportion was only 14%.'

Interviews conducted within the framework of this report²⁸⁰ indicate that:

- i) FGM is often still practiced not only in the villages but also in the large urban centres including Conakry.
- ii) FGM is often now practiced in secret, in health centres, without the usual public ceremonies.

Opinions and beliefs

176. According to the EDS-MICS-2012 report²⁸¹:

'68% of women and 57% of men interviewed replied that they thought that FGM was a religious requirement. Around three-quarters of women (76%) think that the practice of FGM should be maintained, while only 21% think that it should be abandoned. We then note that, among Muslim women (77%), the proportion of those who think that the practice of FGM should continue is higher than among Christian women (53%). Results by ethnicity show higher proportions of women who believe that FGM should continue among the Tomas (88%) and the Soussous (80%). We also note difference according to the residence area and regions. The proportion of women favourable to the continuation of the practice is higher in rural areas (80%) than in cities (69%). In the regions of Faranah (86%), Kankan (83%), Kindia (82%) and Mamou (81%), more than eight women out of ten think that the practice of FGM should continue, against 65% in the N'Zérékoré region. In the natural regions, we note that it is in

²⁷⁸ Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014.

²⁷⁹ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

²⁸⁰ Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014; Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014; Group of people coming from Forested Guinea now living in Conakry, interview of August 18, 2014; Group of people coming from Upper Guinea now living in Conakry, interview of August 21, 2014.

²⁸¹ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

Upper Guinea that this proportion is the highest (85%) and in Forested Guinea that it is the lowest (68%). It should also be noted that the level of education influences opinion concerning the giving up or continuation of the practice of FGM. In fact, between women without education to the most educated, the proportion of those favourable to its continuation diminishes, from 82% to 55%.

Type of FGM and age at the time of FGM

177. According to a testimony gathered from a person consulted because of their knowledge of traditional practices in Forested Guinea²⁸², 'often FGM is done between the age of 6 and 8, because it is necessary to wait until the clitoris has developed a little'. The EDS-MICS-2012 reports²⁸³ gives information on the type of FGM and the age at the time of the FGM as follows:

'[...] the type of FGM that is most practiced in Guinea is cutting with flesh removed. In fact, 84% of women have had flesh removed, 8% have undergone an infibulation and 6% were cut only, without flesh removed. The lightest form of FGM (only part of the flesh removed) is more widespread in urban than in rural areas (10% in contrast to 3%), among the Soussous (13%), in the region of Boké (14%) and in Conakry (12%). The most radical form (closed vagina) is practiced especially among the Peuls (13%), the Tomas (12%) and in the region of Labé and of Conakry (15% in each case).

[...] In Guinea, 80% of girls aged 10-14 have already been circumcised, in contrast to 51% of those aged 5-9 and 14% of those aged 0-4. The various percentages should be interpreted with caution because they depend on how long girls were exposed to the risk of FGM. For example, in the group aged 10-14, the oldest girls are practically no longer exposed to the risk of being circumcised before the age of 15; on the other hand, the younger girls (those of 10 years old) still have almost 5 years of exposure to that risk.

[...] Almost all women have been circumcised before the age of 15 years (97%), most of them between 5 and 9 years (41%). A quarter of women were circumcised very early, that is before the age of five years (25%) and in only 2% of the cases, FGM was performed rather late (at 15 years and older). 69% of women aged 20-24 were circumcised before the age of 10 in contrast to 61% of those from 45 to 49 years. Among women aged 45-49, 38% were circumcised after the age of 10 in contrast to 30% of those aged 20-24 years. Again, the proportion of women circumcised at a later age tends to diminish from the older generation to the more recent ones, dropping from 5% among those aged 45-49 to 1% in the 15-19 age group.'

178. The following table presents the distribution (in %) of women aged 15-49 who were circumcised, by age at the time of FGM and other socio-demographic characteristics.

²⁸² Person coming from Temessadoudjigbo, Gueckedou, interview of August 9, 2014.

²⁸³ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

Table 11: Distribution of circumcised women by age at the time of the FMG²⁸⁴

Socio-demographic characteristics	Age group				
	<5	5-9	10-14	15+	Unknown/ Missing
Religion					
Muslim	22.8	44.2	31	1.2	0.9
Christian	34.6	19.2	36.9	8.7	0.6
Animist/without religion/ other	43.4	4.8	34.1	16.9	0.8
Ethnicity					
Soussou	14.5	41.4	41.5	2.2	0.5
Peul	20.7	58.4	19.5	0.3	1.1
Malinké	30	31	36.8	1.3	0.9
Kissi	37.2	20.3	37.3	4.4	0.8
Toma	43.5	6.9	34.6	13.7	1.2
Guerzé	34.1	11.8	37.6	16.5	0
Other	25.2	34.3	32.9	6.7	0.9
Residence area					
Urban	23.4	41.2	32	2.3	1.2
Rural	25.1	40.5	31.4	2.4	0.7
Natural region					
Conakry	22.8	41.8	32	1.8	1.6
Maritime Guinea	11.4	51.3	35.6	1.4	0.2
Middle Guinea	19.8	65.1	14.1	0.3	0.7
Upper Guinea	31	27.5	39.6	0.7	1.1
Forested Guinea	39.4	17.2	34.8	7.9	0.7
Guinea in total	24.5	40.8	31.6	2.4	0.9

Re-circumcision

179. According to one source²⁸⁵, it may happen that a village family decides that a medicalized circumcision is not enough and then insists on a traditional circumcision. The same source specifies that, apart from this case, re-circumcision is not practised in Guinea, according to the health professionals that were met. Some sources²⁸⁶ cite cases of circumcision in Forested Guinea of adult women having already given birth to children, but specifying that this did not constitute re-circumcision.

²⁸⁴ Extract from EDS-MICS-2012, Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013), Table 17.3 Age at the time of the FGM.

²⁸⁵ Belgium – France – Switzerland Cooperation, Joint mission of CGRA, of OFPRA and of ODM *Report on the Mission to the Republic of Guinea, October 29 - November 19, 2011* (March 2012).

²⁸⁶ Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014; Person coming from Temessadoudjigbo, Gueckedou, interview of August 9, 2014; Coordinator of protection activities of the DNE, interview of July 31, 2014.

Refusal of FGM

180. According to concurring sources²⁸⁷, girls are increasingly circumcised at a very young age, so much so that they do not have the necessary maturity to oppose FGM; older girls may refuse circumcision and obtain protection, but they expose themselves, in this case, to a breakdown in relationships with their family and community. One source²⁸⁸ reports the case of two girls aged respectively 12 and 14 who did not agree to be excised and who asked children rights activists for protection in their communities. Two years after having begun opposing circumcision, these girls have still not been circumcised.

Discrimination against women who have not been circumcised

181. In January 2012, the Guinean government²⁸⁹ indicated that:

‘The non-circumcised girl or woman would be subjected to stigmatisation by her peers, by her neighbours and by her sister-wives, through mocking and demeaning remarks. The non-circumcised girl or woman ends up suffering from an inferiority complex that, at its height, pushes her to call for and demand circumcision, in order to emerge from her situation of marginality and social exclusion. [...] FGM is considered as an essential stage in the initiation rites that confer on the circumcised girl the status of an honoured person who has undergone a rite of passage into the group of adults and respectable people. It is for this reason that the expression for circumcision within the traditional milieu is literally ‘to honour the child’.

According to a person consulted within the framework of this report for their knowledge of traditional practices in Forested Guinea²⁹⁰, in big urban centres, for example in Conakry, populations are organised according to communities of origin. In these communities, you always end up knowing if a girl has been circumcised or not.

182. In some communities, notably among the Peuls and the Malinkés for example, the word “bilakoro”, which refers to a child who has yet not passed through the stage of circumcision, carries a value judgement that means that the non-circumcised child does not have social respect, does not have a status conferring on him/her the respect and esteem due to the rank of adults. A person consulted within the framework of this report for their knowledge of traditional practices in Forested Guinea²⁹¹ testifies: ‘In Forested Guinea, if you aren’t circumcised, you are not a complete woman and you cannot participate in some activities. One of the worst insults is to say that you are not circumcised.’

²⁸⁷ Head of the Sabou Guinea Office in Labé, interview of August 5, 2014; Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014; Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014; Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

²⁸⁸ Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014.

²⁸⁹ National Directorate for the Promotion of Women and Gender (DNPFG) *National Strategic Plan for the Abandonment of Female Genital Mutilations 2012 –2016* (January 2012).

²⁹⁰ Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

²⁹¹ Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

Capacity of parents to protect their daughters effectively against circumcision

183. Interviews conducted within the framework of this report²⁹² indicate that it is difficult to effectively protect a girl from FGM if she is not old enough to evade the practice and to warn her own parents, and this requires constant vigilance, especially during the school holidays. A person consulted within the framework of this report for their knowledge of traditional practices in Forested Guinea²⁹³ reports the case of a head of family who opposed the circumcision of his daughters for his whole life. However, a year after his death, all his daughters were circumcised. Within the framework of this report, the following testimonies were gathered:

‘A doctor in Conakry informed her entire family that she did not wish for her daughter to be circumcised. Despite her decision, her daughter was circumcised without her knowledge by the grandmother who came to take her in Conakry.’

‘For example, in our case, my daughter was circumcised last year, it was only three days later that I was informed.’

Prosecution of people involved in the practice of FGM

184. According to a document produced in 2012 by the Guinean government²⁹⁴:

‘We can maintain that the customs, habits and traditions of the country have, on this point, greater hold on the population’s collective mentality than the affirmative law emitted by the legislator in the name of the Republic. Unfortunately, the numbers of cases referred to the tribunals do not reflect reality, because society is still ruled by customs and traditions that force women to submit, to remain silent, to not react when she is subjected to violence, especially conjugal violence. As for women/girls who are victims of rape, they have to remain silent in order to not bring shame to themselves and their families.’

From group interviews conducted within the framework of this report, it emerges that in Maritime Guinea, Upper Guinea and Forested Guinea, parents are presented with a fait accompli, neighbours turn a blind eye and no one dares to confront the family and the community by denouncing the practitioner of FGM/C. According to a person consulted within the framework of this report for their knowledge of traditional practices in Forested Guinea²⁹⁵, ‘for communities, denouncing parents to the police is a serious curse’.

²⁹² Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014; Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014; Group of people coming from Forested Guinea now living in Conakry, interview of August 18, 2014; Group of people coming from Upper Guinea now living in Conakry, interview of August 21, 2014.

²⁹³ Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

²⁹⁴ National Directorate for the Promotion of Women and Gender (DNPFG) *National Strategic Plan for the Abandonment of Female Genital Mutilations 2012 –2016* (January 2012).

²⁹⁵ Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.

Extract from an article of the Guinean Press Agency (AGP), January 23, 2015

'Two women [...] have just been condemned to a six-month suspended prison sentence by the Justice of the Peace of the prefecture, for "wilful violence" against a 9-year-old little girl, victim of female genital mutilation (FGM) [...]

Informed of the abuse conducted by his wife, Sékou Kourouma, an agro-forestry engineer, decided to file a complaint against her with the Justice of the Peace of Gueckédou. The complaint received the support of the Association for the Future of Women, which worked for the protection of the rights of the girl.

The two women challenged, Rebaca Kamano, the mother of the girl, and Hawa Tonguino, circumcised the girl despite the father's fierce opposition [...].

Summoned before the judge last Tuesday January 13, the two accused declared they ignored there was a law forbidding the practice of FGM in Guinea.

They were therefore condemned to a six-month suspended prison sentence and to pay a fine of 500,000 Guinean francs, in application of articles 790 of the Code of Penal Procedure and 49 of the Penal Code.'

185. The HCHR²⁹⁶ indicates that, in 2011, an official delegation of the Guinean government underlined the fact that a teacher was sentenced to 'two months' in prison for having made his daughter submit to FGM, admitting that this was the only case of conviction recorded up to now. However, another source²⁹⁷ reports that this teacher, which the Guinean delegation had mentioned, had only been remanded in preventive detention, after which the court dismissed the case. This source also cites the case of another person practising FGM in Kindia, who had been referred by the police to the justice system, but who had not been convicted. The first conviction of a circumciser only took place in 2014, as reported by the Guinean Press Agency (AGP) in an article of July 21, 2014 entitled "FGM/C: Conakry 3 Court of First Instance sentences woman practising FGM to 2-year suspended prison sentence"²⁹⁸. The same agency reports new cases of conviction in Gueckédou in January 2015²⁹⁹.

²⁹⁶ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

²⁹⁷ Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014.

²⁹⁸ Guinean Press Agency (AGP) *FGM/C: Conakry 3 Court of First Instance sentences woman practising FGMs to 2-year suspended prison sentence* <http://www.agpguinee.com/fichiers/livre.php?code=calb12324&langue=fr&type=rub17> (Accessed 29 July 2014).

²⁹⁹ Guinean Press Agency *Gueckédou: Two women sentenced to a six-month suspended prison sentence for wilful violence* <http://www.agpguinee.org/sante-3/item/1906-gueckedou-deux-femmes-condamnees-a-six-mois-de-prison-avec-sursis-pour-violence-volontaire.html>

8.6 Forced and underage marriage

Legislation and policy for the protection against forced or underage marriage

186. Articles 280 to 286 of the Civil Code³⁰⁰ implicitly protect children from forced or underage marriage. Article 280 of the Civil Code³⁰¹ fixes the legal age for marriage at 18 years for boys and at 17 years for girls. The UNCRC³⁰² notes with satisfaction ‘that the legal age for marriage is from now on fixed at 18 years for boys and girls, but it is concerned that article 269 of the Children’s Code³⁰³ allows the marriage of boys and girls under 18 years, with the consent of their parents or legal guardians’.

Age of sexual consent

187. A Plan Guinée study³⁰⁴ published in 2011 indicates that the law does not provide for a minimum age for the valid consent to sexual relations before the legal age of marriage fixed at 18 years for a boy and 17 years for a girl.

Prevalence and practise of forced or underage marriage

188. Among all the sources consulted within the framework of this report, no statistical data on forced marriages in Guinea could be found.

189. With respect to this, the UNCRC³⁰⁵ stated:

‘The Committee also expresses deep concern at the prevalence of early and forced marriages in the State party, including marriages as a means of “compensation” or “settlement” organized by families between sexually abused girls and their abusers, and at limited measures taken to eradicate these practices as well as alimentary taboos, levirate, sororate, repudiation and polygamy.’

190. A report by the US government³⁰⁶ indicated that while there is no official report concerning underage marriage, this practice is an issue in Guinea. Parents arrange marriages of very young girls (sometimes only 11 years old), notably in Maritime Guinea and in Forested Guinea. According to this source, in 2009, six young women accused of having killed their husbands in Kankan, after having been forced to marry them, were convicted. The same source adds that, following awareness-raising campaigns to discourage this practice, some families that had

³⁰⁰ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

³⁰¹ Civil Code of the Republic of Guinea, February 16, 1983 <https://sites.google.com/site/guineejuristes/CODECIVIL.pdf> (Accessed 10 January 2015).

³⁰² Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

³⁰³ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

³⁰⁴ Plan Guinée *Study report on the situation analysis of children in Guinea* (August 2011).

³⁰⁵ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

³⁰⁶ United States Department of State 2009 *Human Rights Report: Guinea* (March 11, 2010). <http://www.state.gov/j/drl/rls/hrrpt/2009/af/135957.htm> (Accessed 10 January 2015).

been favourable to underage marriage, nevertheless kept their married daughters at home until they had at least finished their secondary schooling.

191. According to the Guinean government³⁰⁷, marrying age for Guinean women is rather early. In fact, 27% of women aged 25-49 years at the time of the survey had already been married before reaching the age of 15 years. Compared to the EDS-2005, the median age at a first marriage for women of 25-49 years has increased, from 16.2 years to 17.0 at the time of the current survey. Men first get married at a much later age than women. Women in the urban areas get married two years later than those in the rural area (18.5 years as opposed to 16.5 years). The results by region show that the median age of first marriage vary from a maximum of 19.3 years for women in Conakry to 15.8 years in the Labé region. Further, the more educated the women are, the later they marry: median age of 16.5 years for women having no education as opposed to 17.7 years for those having completed primary school education and 22.9 years for those having secondary or higher education. Further still, women from households in the highest quintile marry later than the others: 19.3 years as opposed to 16.1 years for those from households of the poorest quintile.
192. Concurring sources³⁰⁸ indicate that forced marriage is at the origin of several departures of women and girls from their region, even from their country, of residence: some flee to escape from forced marriage, others are forced to rejoin their “husband”.

Preventive measures against forced or underage marriage

193. According to a report by the US government³⁰⁹, an awareness-raising campaign to discourage underage marriage undertaken by the Guinean authorities, journalists and NGOs has contributed to reducing the prevalence of this practice in 2009. According to a source published in 2012³¹⁰, a large number of associations for the defence of the rights of women, together and in consultation with the Ministry of Health and the Ministry for Social Action, and the Promotion of Women and Children, organise awareness-raising and information campaigns on underage marriage. Data from the EDS-MICS-2012³¹¹ indicate that despite these campaigns, the reduction in the prevalence of early marriage is not noticeable.

³⁰⁷ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

³⁰⁸ Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014; Group of people coming from Forested Guinea now living in Conakry, interview of August 18, 2014; Group of people coming from Upper Guinea now living in Conakry, interview of August 21, 2014.

³⁰⁹ United States Department of State 2009 *Human Rights Report: Guinea* (March 11, 2010). <http://www.state.gov/j/drl/rls/hrrpt/2009/af/135957.htm> (Accessed 10 January 2015).

³¹⁰ Belgium – France – Switzerland Cooperation, Joint mission of CGRA, of OFPRA and of ODM *Report on the Mission to the Republic of Guinea, October 29 - November 19, 2011* (March 2012).

³¹¹ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

8.7 Domestic violence

Legislation and policy for the protection of children against violence and abuse

194. Articles 403 and 404 of the Children's Code³¹² forbid and repress violence exercised against children, including within the family circle.

195. The HCHR³¹³ reports statements by a delegation of the Guinean government as follows:

'The Children's Code represses violence committed against children and a ministerial decree condemning violence against children at school advises parents to file a complaint against those committing the violence against their children at school, underlined the delegation. However, the delegation has acknowledged that school students sometimes are afraid to file a complaint against their teacher, for fear of being excluded from the school system.'

196. The UNCRC remains concerned that the Children's Code³¹⁴ does not expressly forbid corporal punishment in all circumstances.

Prevalence and practice of domestic violence

197. According to the Guinean government³¹⁵:

'The main forms of violence towards women are blows and wounds, repudiation, levirate, sororate, underage marriage, forced marriage, female genital mutilation, rape and the obligation to wear the veil or a mask for some women. In the specific case of conjugal violence and rape, the problems are aggravated by a lack of access to health services and treatment. Even when these services exist, women are faced with the inability to pay for them, poor quality or the weight of customs and traditions. We must also add that a lack of adequate information contributes to distancing women from appropriate health care and to neglecting their essential state of health.'

198. The UNCRC³¹⁶ is concerned 'at the alarmingly high number of children, especially girls, subjected to violence and abuse at home, at school, and in alternative care settings. The Committee regrets that these cases of abuse are seldom reported and that the perpetrators are rarely held accountable'. The UNCRC is equally concerned 'at the high level of gender-based violence, with nine out of ten women aged between 15-64 being victims of violence in 2012', and that 'the rate of reporting of cases of violence against women and children is very low

³¹² Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

³¹³ Office of the High Commissioner for Human Rights (OHCHR) *The Committee on the Rights of the Child looks at the report from Guinea* <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

³¹⁴ Guinean Children's Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

³¹⁵ Ministry for Social Action, and the Promotion of Women and Children (MASPFE) *7th and 8th combined reports on the putting into operation of the CEDEF for the period 2007-2011* (April 19, 2012) http://www2.ohchr.org/english/bodies/cedaw/docs/CE-DAW.C.GIN.7-8_fr.pdf (Accessed 29 July 2014).

³¹⁶ Committee on the Rights of the Child, *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

because of the taboo surrounding abuse – especially of a sexual nature – and by fear of being further stigmatized’.

199. According to EDS-MICS-2012³¹⁷, 89.4% of girls aged from 15 to 19 think that a husband may hit his wife under certain circumstances. 63% of men aged from 15 to 19 agree.
200. According to a study by the Guinean government³¹⁸ undertaken in 2009, ‘Around 80% of women already married or in common-law unions [...] have been victims of conjugal violence. The prevalence of this phenomenon is relatively greater in Upper Guinea (80%) and even more in Forested Guinea (98%).’ The same study shows that 85% of women experienced psychological violence, 77% suffered from physical violence and 50% were victims of sexual violence.

8.8 Child labour and other forms of exploitation

Legislation and policy for the protection against child labour

201. Several pieces of legislation regulate child labour and protect children against the worst forms of labour. Among these are for example the Fundamental Law, the Labour Code, ministerial decrees on child labour and on apprenticeship contracts, as well as the Children’s Code³¹⁹, of which article 412 states: ‘[...] it is forbidden for an employer to make a child under the age of 16 undertake work without having, in advance, obtained the written consent of the person holding parental authority over this child, or the child’s guardian.’ Article 419 of the same code sets the age of admission to apprenticeship at 14. According to this article, with the authorisation of the Work Inspector, this age may be reduced to 12 years for light domestic work and light work of a non-industrial nature.
202. Articles 357 and 358 of the Children’s Code³²⁰ forbid and repress the child prostitution and sexual tourism involving children. Articles 296 and 297 consider children involved in prostitution as being children in difficult situations, needing as a result to benefit from protection measures for children in danger. In Chapter IV of that Code, articles 392, 394, 395, and 396 of Paragraph II (entitled “Protection of victims and witnesses”) provide for a series of measures aimed at protecting the identity as well as the privacy of victims and witnesses involved in the procedures.

³¹⁷ Guinean National Institute for Statistics (INS) / MEASURE DHS- ICF International *Demographic and Multiple Health Indicators Survey (EDS-MICS-IV)- GUINEA 2012* (November 2013).

³¹⁸ National Directorate for the Promotion of Women *National Survey into Gender-based Violence: Violence towards women and towards men* (October 2013).

³¹⁹ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

³²⁰ Guinean Children’s Code, Law L/2008/011/AN of August 19, 2008 <https://sites.google.com/site/guineejuristes/CODEENFANT-GUINEEN.pdf> (Accessed 10 January 2015).

Prevalence and practice of child labour

203. The UNCRC³²¹ stated:

‘The Committee reiterates its concern (CRC/C/15/Add.100, comma 32) at the large number of children who are involved in labour activities, including in the informal sector, in agriculture, in the fishing industries and in domestic labour. The Committee is also concerned that different minimum ages of employment are applied when parents or legal guardians consent to the economic activities of children. The Committee is particularly concerned that:

- a) Children work in mines, agriculture and the fishing industries, for long hours in hazardous conditions; and
- b) Girls as young as 5 years who perform domestic labour and carry heavy loads, are often not paid for their work and are subject to emotional, physical and sexual abuse.’

204. The 2010 National Survey on Child Labour and Trafficking in Guinea (2010 ENTE-Guinea)³²², revealed that 43.0% of children aged 5-17 were economically active. In terms of numbers, that represented 1,532,349 children in 2010.

205. The negative impact of child labour on school attendance and children’s health is shown to a certain extent by the data of the 2010 ENTE-Guinea³²³. The percentage of children who only go to school is higher (around 40%) than that of children who go to school and work at the same time (23,2%) or of that of children who only work (22,2%). Among children aged 5 to 17 years, 43% are economically active. Among the children who are economically active, 92% engage in forms of labour that should be eliminated because they are likely to prejudice their schooling, their health and their development. Children engaged in the forms of labour to be eliminated are more likely to fall behind at school than those who do not have to work (respectively 80.5% and 64.9%). 36% of children engaged in the forms of labour to be eliminated have suffered a wound or illness linked to their economic activity during the previous 12 months. Back ache/muscular pain and wounds are the main illnesses that the children have suffered from over the previous year.

206. In 2007, a Human Rights Watch report³²⁴ pointed out that tens of thousands of girls were working as domestics, many of them up to 18 hours a day, for a very small pay, sometimes even for nothing. Some were reported to be beaten, victims of sexual harassment or to have been raped. Relatives or their employers are reported to have forced some girls to prostitute themselves in order to earn enough money to survive. However, the public authorities took no measures when cases of prostitution of minors were reported to them. Nor did they even carry out an active check of the situation of minors or adults prostitution.

³²¹ Committee on the Rights of the Child *Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013)*.

³²² Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea (2010)*.

³²³ Guinean National Institute for Statistics (INS), International Labour Office (ILO) *Report of the National Survey on Child Labour and Trafficking in Guinea (2010)*.

³²⁴ Human Rights Watch (HRW) *At the Bottom of the Ladder: Exploitation and Abuse of Girl Domestic Workers in Guinea (2007)*.

8.9 Street children

207. The HCHR³²⁵ cites the Guinea delegation as follows:

‘Street children, who are considered to be vagabonds, are placed, upon judicial ruling, in reception centres, which incidentally have difficulty facing up to the needs in this area. As to talibés, these are children who learn about the Koran from schoolteachers but who are obliged to perform tasks not linked to this teaching, continued the delegation; nevertheless, this phenomenon remains marginal in Guinea. This phenomenon especially affects children who we can say are in a situation of ‘voluntary mobility’ and are looking for ‘a better life’, in particular along the border with Senegal.’

One source³²⁶ indicates that protection programmes for street children are rare in Guinea. Sporadically, projects are launched, but they are very limited in terms of duration and geographic coverage. Among the organisations that have been or are still involved in the protection of children, one can find: Terre des Hommes, Sabou Guinea, SOS minors, Foyer Saint Joseph, Doctors Without Borders, and the coalition consisting of the Italian NGOs Lay Volunteers International Association (LVIA) and Children’s International Summer Villages (CISV).

208. Among all the sources consulted in the framework of this report, no recent case of street children arrested only because they lived on the streets could be found. One source³²⁷ indicates that “round-ups” of street children used to be common, but that they stopped after 2003-2005, following the training of the defence and security forces on the rights and the protection of children.

³²⁵ Office of the High Commissioner for Human Rights (OHCHR) The Committee on the Rights of the Child looks at the report from Guinea <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=12938&LangID=F> (Accessed 24 July 2014).

³²⁶ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

³²⁷ Member of the Coordination Unit for Activities for Minors in Conflict with the Law, interview of October 10, 2014.



9 The epidemic of the Ebola virus fever

9.1 The epidemic of the Ebola virus fever

209. In August 2014, the World Health Organization (WHO)³²⁸ indicated that 661 confirmed, probable or suspected cases had been recorded in Guinea. Among them, 35 belonged to the 0-4 years of age group, 44 to the 5-14 years group, 180 to the 15-29 years group, 205 to the 30-44 years group and 185 to the 45 years and older group. In a statement³²⁹ in August 2014, the WHO presented a roadmap to direct and coordinate international action against the outbreak of the Ebola virus disease in West Africa. According to this statement:

‘The goal is to put an end to transmission throughout the world within 6 to 9 months, while at the same time managing rapidly the consequences of any new international propagation that might occur. The document also recognises the necessity to deal, in parallel, with the huge socio-economic impact of the outbreak. The roadmap responds to the urgent necessity for a spectacular intensification of international activity. Nearly 40% of the total number of notified cases broke out over the past three weeks.’

³²⁸ World Health Organization (WHO) Guinea – *Ebola virus disease epidemic*, epidemiological data from 25/08/14 and from 26/08/14.

³²⁹ World Health Organization (WHO) *The WHO presents its roadmap to intensify international action against the outbreak of Ebola in West Africa* <http://www.afro.who.int/fr/centre-des-medias/declarations/item/7039-l'oms-présente-sa-feuille-de-route-pour-intensifier-l'action-internationale-contre-la-flambée-d'ebola-en-afrique-de-l'ouest.html> (Accessed 11 October 2014).

210. On October 10, 2014, one source³³⁰ reported:

‘Urgent support is necessary to avoid the collapse of the Guinean economy, where the Ebola fever destroys lives, jobs and essential services, indicated Wednesday the officials of the United Nations Development Programme (UNDP). They underlined that the crisis has already hit all sectors of the economy and the consequences could spread over ten years after the end of the crisis.’

Doctors Without Borders (MSF) stated in a press release published in October 2014 by an online news media³³¹:

‘As the first large city to be hit by the current outbreak of the Ebola virus, Conakry has to face up today to a massive increase of new cases. While, in July, the end of the epidemic in Guinea seemed to be nearing, today we have more than 120 patients, of which 85 are confirmed cases, that are taken care of at the two MSF Ebola management centres in the country.’

211. According to the Director-General of the WHO³³², ‘The outbreak of Ebola virus disease in parts of West Africa is the largest, longest, most severe, and most complex in the nearly four-decade history of this disease [...].’ The same source indicates that several cultural, historical and geographical factors, and the insufficient road and health infrastructures, favoured this outbreak, notably: exceptionally mobile populations, exceptionally open borders, health systems already weakened after years of troubles and civil wars, a very deeply entrenched cultural tradition of surrounding the ill with care and to submit their bodies to rituals if they die. According to the same source, after an extraordinary outpouring of aid from numerous countries and partners, the number of cases is clearly diminishing in Guinea, in Liberia and in Sierra Leone. The WHO Director-General adds:

‘We must maintain the momentum and guard against complacency and donor fatigue. Getting to zero cases of Ebola in the three remaining countries is our collective goal. This can be done but is not going to be easy [...]. What began as a health crisis quickly escalated into a humanitarian, social, economic, and security crisis. Schools, markets, businesses, airline and shipping routes, and borders closed. Tourism shut down, further deepening the blow to struggling economies.’

212. In September 2014, the World Bank Group stated in a press release³³³ that:

‘The largest economic impacts are resulting from behaviour associated with fear of contagion, not the disease itself and [...] if the virus continues to surge in Guinea and in Sierra Leone, its

³³⁰ Aminata.com *The Ebola virus could affect Guinea’s economy for ten years, according to the UN* <http://aminata.com/le-virus-ebola-pourrait-affecter-leconomie-de-la-guinee-sur-une-dizaine-dannees-selon-lonu/> (Accessed 11 October 2014).

³³¹ Africaguinee.com *Ebola in Guinea: New outburst of cases in the country (the Donka Ebola centre is overcrowded)* <http://africaguinee.com/articles/2014/10/10/ebola-en-guinee-nouvelle-explosion-de-cas-dans-le-pays-le-centre-ebola-de-donka> (Accessed 11 October 2014).

³³² World Health Organization (WHO) *Special Session of the Executive Board on Ebola, Geneva, Switzerland, Report by the Director-General to the Special Session of the Executive Board on Ebola (January 25, 2015)* <http://www.who.int/dg/speeches/2015/executive-board-ebola/en/> (Accessed 17 February 2015).

³³³ World Bank *Ebola Virus: economic impact already serious, could become “catastrophic” without swift response* <http://www.worldbank.org/en/news/press-release/2014/09/17/ebola-economic-impact-serious-catastrophic-swift-response-countries-international-community-world-bank> (Accessed 17 February 2015).

economic impact could grow eight-fold, dealing a potentially catastrophic blow to the already fragile states.'

In January 2015, the organisation stated³³⁴: 'The primary cost of this tragic outbreak is in human lives and suffering—but the crisis has also wiped out hard-earned development gains in the affected countries, and will worsen already entrenched poverty.'

It also indicates that the Ebola crisis was continuing to paralyse the economies of Guinea, Liberia and Sierra Leone, despite the significant lowering in the contamination rate noted in these three countries. It estimates that, in 2015, as a result of the epidemic, Guinea will experience a - 0.2% decrease in growth prospects and a \$540 million shortfall in revenue.

213. According to the last report of the joint mission of FAO and WFP for the assessment of crops and food security³³⁵, in 2014, rice production dropped by 3.7 % in Guinea. Commerce in agricultural products between Guinea and its neighbouring countries dropped because of the closing of borders. In total, in Guinea, 470,000 people could experience food insecurity before March 2015 because of Ebola.
214. Working documents by Plan Guinée and by Terre des Hommes³³⁶ indicate that the Ministry for Social Action, with the support of UNICEF and the joint technical expertise of NGOs Monde des Enfants and the Guinean Red Cross, conducted a mapping out of the psycho-social needs of children on August 16-24. According to the results of this study, at least 5,000 children, including more than 1,400 orphans, are reported to be directly affected, and more than 140,000 children indirectly affected because they are living in affected communities. This study also revealed that these children would be particularly exposed to or affected by psycho-social trauma, family separation, stigmatisation and rejection, child labour, neglect, lack of schooling and exacerbated poverty. A psycho-social response and children protection plan was therefore worked out for 180 days, in order to address these various situations, for at least 90% of the children who are directly affected and 75% of those indirectly affected. UNICEF supports the state and the international organisations such as Plan Guinée, Terre des Hommes and Child Fund in implementing this response plan.
215. When it comes to children affected by the Ebola virus epidemic, UNICEF stated³³⁷ that it 'helps identify children without parents or caregivers and offers them immediate healthcare and protection, whether this be through members of their extended family, members of the community or foster families. In Guinea, for example, all children who have lost both parents, that is 773, have been placed within their extended family.'

³³⁴ World Bank *World Bank Group Ebola Response Fact Sheet* <http://www.worldbank.org/en/topic/health/brief/world-bank-group-ebola-fact-sheet> (Accessed 17 February 2015).

³³⁵ Food and Agriculture Organisation of the United Nations (FAO), World Food Programme (WFP) *Crop and Food Security Assessment – Liberia, Sierra Leone and Guinea (January 5, 2015)* <http://www.fao.org/3/a-i4311e.pdf> (Accessed 18 February 2015).

³³⁶ Plan Guinée, *Request to UNICEF Guinea for a psychosocial response and child protection against the Ebola virus haemorrhagic fever (working document)*; Terre des Hommes (TdH) *Request to UNICEF Guinea for a psychosocial response and child protection against the Ebola virus haemorrhagic fever (working document)*.

³³⁷ United Nations Children's Fund (UNICEF) *More than 16,000 children have lost their parents or the people taking care of them because of the Ebola virus, UNICEF claims. Many of them have been taken charge of by their communities* http://www.unicef.org/french/infobycountry/media_79742.html (Accessed 16 February 2015).

216. The Guinean news website *GuinéeNews.org*³³⁸ reports that the ministries in charge of education have worked out a safety plan called “Sectorial Response Plan to Ebola”, in order to open safe classrooms and to prevent young pupils and students suffering from a wasted year. According to the Guinean news website *Kibarou.com*³³⁹, the WHO representative in Guinea declared in January 2015 that his organisation helped the Guinean government prepare the re-opening of classes.

217. According to a UNICEF press release³⁴⁰ from January 20, 2015:

‘While in Guinea schools are re-opening their doors, UNICEF and its partners are in the process of bringing help in order to reduce to the minimum transmission risks of the Ebola virus, by training teachers to set up safety measures, such as the daily taking of temperature, the provision of thermometers and hand-washing kits for the schools. [...]’

According to the same press release:

‘Because of Ebola, public schools in Guinea, Liberia and Sierra Leone have remained closed after the July-August holidays, depriving five million children of school education. [...] Among the protocols relating to safety that were put into place by the education ministries, jointly with UNICEF and its partners, are included checks at school entrances, and forbidding all people who have more than 38 degrees of fever, or have been in contact with an Ebola patient or victim within the previous 21 days, or who have the three symptoms of the Ebola virus (fever, diarrhoea and vomiting) to be on the school premises. The protocol also explains clearly how to deal with a suspected case, with directions for patients worked out with the closest dispensary. UNICEF has trained thousands of

How UNICEF and its partners are bringing help to Guinea:

- 48,615 hygiene kits containing buckets and soap will be distributed in over 12,000 schools of all levels to be used by 2,7 million children. UNICEF has supplied 53 % of the kits.
- The national coordination system against Ebola provided chlorine to all schools for hand washing.
- The Ministry of Education provided 20,500 thermometers to the schools.
- More than 80,650 teachers were trained in the protocols relative to safety for the re-opening of schools.
- Key messages were created by the parents’ and teachers’ associations and will be widely publicised to the families.

³³⁸ GuinéeNews.org *For a safe return to school: here are the measures taken* <http://guineenews.org/pour-une-rentree-securisee-voici-les-dispositions-prises/> (Accessed 17 February 2015).

³³⁹ Kibarou.com *Re-opening of classes: the WHO declines all responsibility* <http://kibarou.net/fichiers/blog19-999.php?code=cal-b5919&langue=fr&type=rub17> (Accessed 17 February 2015).

³⁴⁰ United Nations Children’s Fund (UNICEF) *As schools are re-opening their doors in Guinea, UNICEF contributes to operations to reduce transmission risks of the Ebola virus* http://www.unicef.org/french/infobycountry/media_78731.html (Accessed 17 February 2015).

teachers so that they can participate in social mobilisation campaigns, in order to give children, parents, teachers and other members of the communities the knowledge they need to protect themselves from Ebola and to prevent all subsequent transmission of the virus.

UNICEF and its partners have also given schools thousands of hygiene kits, which contain soap and buckets. Since schools in the affected countries often do not have access to drinking water, UNICEF helps mobilise parents and different members of the communities so that they bring water to the schools.'

218. Several Guinean news websites³⁴¹ report negative reactions on part of the population to the fight against Ebola. These often violent reactions have sometimes led to arrests, including of children. They have sometimes disrupted the re-opening of schools.
219. A report by Sabou Guinea³⁴² of January 28, 2015, indicates that, in January 2015, the HCHR identified 6 children who had been arrested following violent reactions to the fight against Ebola in the Forécariah civil prison. Aged from 12 to 15 years, they were freed and reunited with their families thanks to the collaboration between the HCHR, Sabou Guinea, the Justice of the Peace, the CPPE and the CLPE of Forécariah.

³⁴¹ Kababachir.com Guinea, *36 people sentenced for battery and assault on an Ebola mission* <http://www.kababachir.com/2015/02/17/guinee-36-personnes-condamnees-coups-blessures-contre-mission-ebola/> (Accessed 18 February 2015); GuinéeNews.org *Anti-Ebola: Justice decides in Forécariah and dawdles in Womey* <http://guineenews.org/anti-ebola-la-justice-tranche-a-forecariah-et-traine-a-womey/> (Accessed 18 February 2015); GuinéeNews.org *Ebola transit centre ransacked in Faranah: a health official explains* <http://guineenews.org/le-centre-de-transit-ebola-saccage-a-faranah-les-precisions-dun-officiel-de-la-sante/> (Accessed 18 February 2015); Aminata.com *Dabola: angry pupils ransack headquarters of the local Red Cross* <http://aminata.com/dabola-des-eleves-en-colere-vandalisent-le-siege-de-la-croix-rouge-locale/> (Accessed 18 February 2015); Africaguinée.com *Conakry: Why was the Imam of Yimbaya arrested?* (Exclusive testimony) <http://africaguinee.com/articles/2015/02/17/conakry-pourquoi-l-imam-de-yimbaya-ete-interpelle-temoignage-exclusif> (Accessed 18 February 2015).

³⁴² Sabou Guinea Report on taking charge of 6 children arrested in Forécariah following events at Kabak and Sinkinet (January 2015).



10 Returning separated or unaccompanied children and families

10.1 Reception of returned children

220. According to the Guinean government³⁴³, organisations such as Sabou Guinea, Terre des Hommes, OPROGEM and the DNEPPE have been very active for several years in family location and reunification for separated children. One person consulted³⁴⁴ specifies that this regards internal cases in Guinea as much as transnational cases.

IOM³⁴⁵ indicates that it undertakes family location by direct contact with the supposed families (telephone calls, surveys in the field, visits, etc.) on the basis of information communicated by the child from the reception country. If the family is found in Conakry and has given agreement for the return of the child, the family is asked to sign a document committing them to take responsibility for the minor. If the family is located in the regions, IOM engages either Sabou Guinea, or local representatives of the Ministry for Social Action. Means used are notably vehicles, telephones and human resources (staff, IOM focal points, etc.).

³⁴³ National Directorate for Preschool Education and the Protection of the Child (DNEPPE) *Initial report on the application of the African Charter for the Rights and Welfare of the Child (ACRWC)* (December 2011).

³⁴⁴ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

³⁴⁵ IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

Sources consulted within the framework of this report³⁴⁶ indicate that in almost all cases treated by IOM, separated children are successfully reunited with their families. The only cases that fail are the result of the minor's refusal to return, which generally emerges on the eve of his or her planned departure from the reception country. Risk assessment and return feasibility are undertaken by the NGO Sabou Guinea according to its operating procedures, in accordance with standards worked out by the West Africa Network (RAO), with the support of the Swiss International Social Service (SSI). Families are evaluated following visits and interviews conducted by IOM or Sabou Guinea staff.

221. No cases of child victims of security incidents on their return or who have been arrested for illegal immigration could be found among the sources consulted within the framework of this report. Similarly, no report or element of proof of discrimination against returned children could be found. However, this does not mean that such cases/situations do not exist.
222. According to several people consulted within the framework of this report³⁴⁷, children and their families are authorised to settle anywhere they wish.

10.2 Special re-insertion programmes for children and their families upon their return

223. A national NGO³⁴⁸ indicates that, for several years, it has been conducting a re-insertion programme for returned girls and boys with the support of several partners, of whom the main one is the International Social Service – West Africa (SSI-AO). The programme offers help in apprenticeships and professional training, in schooling as well as revenue-generating activities. Its services are offered for an average duration of 6 months per child, within the framework of annual projects that are often discontinued (depending on financing obtained). Follow-up and impact are very limited because of the insufficient and irregular financing of this programme. When the financing agreements enable it, re-inserted children receive follow-up over a maximum of 2 years. The majority of the beneficiaries have been able to learn a trade from a craftsman and/or be employed or work independently (small business, driver, mechanic, tailor, hairdresser, baker...). The youngest (a few rare cases) were re-inserted in a school and continued their education and school re-insertion. Failure rate is estimated at 10% (renewed migration, unrealistic project, difficulty of adapting to the context, etc.).
224. According to IOM³⁴⁹, in the cases of voluntary return, families who return with their children are supported through reintegration projects for the parents. For the children, help is focused on schooling, assistance and follow-up or covering healthcare costs. Programmes last between 6 and 12 months depending on the case (setting up of the support activity, follow-up, report production and closing of the case). [ED: this means that the follow-up on children returned by IOM is less than 12 months.]

³⁴⁶ IOM staff in Conakry, replies to the questionnaire of August 21, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

³⁴⁷ Person returned from Switzerland, interview of August 2, 2015; Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014; IOM staff in Conakry, replies to the questionnaire of August 21, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014; Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014; Coordinator of protection activities of the DNE, interview of July 31, 2014.

³⁴⁸ Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

³⁴⁹ IOM staff in Conakry, replies to the questionnaire of August 21, 2014.

10.3 Follow-up mechanisms for returned children and their access to basic social services

225. According to several people interviewed³⁵⁰, follow-up on returned children is conducted on a case-by-case basis by the NGOs that provide them with the reintegration services. According to IOM³⁵¹, children are admitted and followed-up on by their families and by Sabou Guinea, until the child is reunited within his or her family. Sabou is only called upon for cases of non-accompanied minors to conduct family location and evaluation, re-insertion, assistance and monitoring.
226. No case relative to the difficulties of access to basic social services (education, health, civil status etc.) based on the status of returnee could be found among the sources consulted within the framework of this report. However, this does not mean that such cases/situations do not exist. IOM and Sabou indicate that children who returned within the framework of an assistance to voluntary return programme benefit from their help to ease, the case being, their access to these services. Notably, children benefiting from their programmes arrive in the reception country already provided with travel documents (safe-travel document, ticket) delivered by the Guinean consular representatives. In situations of urgent returns, passes are provided and the airport police is informed in order to provide assistance in case of return.

³⁵⁰ Person returned from Switzerland, interview of August 2, 2015; Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014; IOM staff in Conakry, replies to the questionnaire of August 21, 2014; Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.

³⁵¹ OM staff in Conakry, replies to the questionnaire of August 21, 2014.

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The country report on Guinea can be found at:

<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e484c66&submit=GO>

The Concluding Observations for Guinea's Periodic Reports can be found at:

https://www.crin.org/en/library/custom-search-un?search_api_views_fulltext=&field_un_subtype=855&created%5Bdate%5D=&created_1%5Bdate%5D=&field_organisation=All&field_themes=All&field_crc=All&field_country_1=All&field_country=625&search_api_language=All&=Search

Demographic Information/Statistical data on children	Numbers	Source
Total population (2013) Thousands.	12,044	UNICEF ONLINE DATA
Population under 18 (2013) Thousands.	5,746	UNICEF ONLINE DATA
Population under 5 (2013) Thousands.	1,886	UNICEF ONLINE DATA
Infant mortality rate (under 1) (2013) Probability of dying between birth and exactly 1 year of age, expressed per 1,000 live births.	65	UNICEF 2014
Annual no. of under-5 deaths (2013) Thousands.	42	UNICEF 2014
Under-5 mortality rate (2013) Probability of dying between birth and exactly 5 years of age, expressed per 1,000 live births.	101	UNICEF 2014
Under-5-mortality rate in neighbouring countries (2013) Probability of dying between birth and exactly 5 years of age, expressed per 1,000 live births.		UNICEF 2014
Sierra Leone	161	
Liberia	71	
Ivory Coast	100	
Mali	123	
Senegal	55	
Guinea-Bissau	124	

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<http://data.unicef.org/countries/GIN>

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People interviewed within the framework of this report

99. Official for the Promotion of Human Rights at the Office of the HCHR-Guinea, interview of August 2, 2014.
100. Head of a District at the Ratoma municipality, interview of August 9, 2014.
101. Head of the "Child in danger, placement and adoption" section of MASPFE, interview of July 29, 2014.
102. Head of the Teenage Health section of the Ministry of Health, interview of July 22, 2014.
103. Child Protection Officer of UNICEF-Guinea Conakry, interview of October 9, 2014.
104. Legal advisor of the Ministry for Human Rights and Public Liberties, interview of October 3, 2014.

105. Coordinator of COLTE/CDE, interview of July 28, 2014.
106. Coordinator of protection activities of the DNE, interview of July 31, 2014.
107. Coordinator of the fight against FGMs project of Sabou Guinea, interview of August 8, 2014.
108. Coordinator of the Child Mobility Project of Sabou Guinea, interview of August 16, 2014.
109. Group of inhabitants of the rural municipality of Popodara in Labé, interview of August 4, 2014.
110. Group of people coming from Forested Guinea now living in Conakry, interview of August 18, 2014.
111. Group of people coming from Upper Guinea now living in Conakry, interview of August 21, 2014.
112. IOM staff in Conakry, replies to the question of August 21, 2014.
113. Ex-assistant to the Regional Head of Social Action of Labé, interview of August 4, 2014.
114. Head of the Sabou Guinea Office in Labé, interview of August 5, 2014.
115. Head of the Conakry District for Sabou Guinea, interview of July 28, 2014.
116. President of the NGO AGUIAS, interview of July 29, 2014.
117. Member of the Coordination Unit for Activities for Minors in Conflict with the Law, interview of October 10, 2014.
118. Person coming from Temessadoudgigbo, Gueckedou, interview of August 9, 2014.
119. Person returned from Switzerland, interview of August 2, 2014.

LIST OF CONTACT ORGANISATIONS/PERSONS

Organisation	Type	Acronym	Address
TOSTAN	International NGO	TOSTAN	http://www.tostan.org/
Red Cross Guinea	Red Cross and Red Crescent Movement	CRG	https://www.icrc.org/fr/ou-nous-intervenons/africa/guinee
Save The Children	National NGO	STC	https://www.savethechildren.net/
Guinean Association of Social Workers	National NGO	AGUIAS	https://www.facebook.com/aguias116/timeline?ref=page_internal
ICRC	Red Cross and Red Crescent Movement	ICRC	https://www.icrc.org/fr
Plan Guinée	International NGO	PLAN	https://plan-international.org/where-we-work/africa/guinea/
Monde Des Enfants	National NGO	MDE	
Enfance Du Globe	National NGO	EDG	http://www.enfanceduglobe.org/
Action d'Intégration Mère et Enfant	International NGO	AIME	http://www.aime-guinee.org/
Child Fund	International NGO	CF	https://www.childfund.org/
United Nations Funds for Children	UN agency	UNICEF	http://www.unicef.org/french/
National Directorate for Children	Government	DNE	
Association des Personnes Guéries et Affectées d'Ebola en Guinée	National NGO	APEGUAEG	https://www.facebook.com/pages/Association-Des-Personnes-Gu%C3%A9ries-Et-Affect%C3%A9es-DEbola-En-Guin%C3%A9e/869251296469221?sk=timeline&ref=page_internal
Terre Des Hommes	International NGO	TdH	http://www.terredeshommes.org/
Fonds National d'Insertion des Jeunes	Government	FONIJ	http://www.fonijguinee.org/le-fonij/
Sabou Guinea	National NGO	Sabou Guinée	http://www.resao.org/en/guinee_conakry
Tlerno and Mariam International Foundation	International NGO	FITIMA	http://www.fitima.org/
Femmes Leaders pour la Formation et l'Emploi Des Femmes en abrégée	National NGO	FELFEDEF	
National Directorate of Civil Status	Government	DNEC	
Village d'Enfants SOS	International NGO	Village SOS	http://www.soschildrensvillages.org.uk/sponsor-a-child/africa/guinea
Aide à l'Enfance Africaine	National NGO	AFA	
Ministry for Social Action, and the Promotion of Women and Children	Government	MASPFÉ	https://www.facebook.com/pages/Minist%C3%A8re-de-lAction-Sociale-de-la-Promo-F%C3%A9minine-et-de-lEnfance-Guin%C3%A9e/1566727190238565?sk=timeline&ref=page_internal

Organisation	Type	Acronym	Address
National Directorate for the Promotion of Women and Gender	Government	DNPFG/ LUTTE MGF	
Ministry for Technical Education, Professional Training, Employment and Labour	Government	METFPET	
National Directorate of Civic Education	Government	DNEC	
Ministry for Youth and Youth Employment	Government	MJEJ	
National Directorate for Youth Employment	Government	DNEJ	http://jeunesse.gov.gn/
National Directorate of Youth and Socio-Educative Activities	Government	DNJASE	
Ministry of Decentralisation	Government	MD	
Ministry of Justice	Government	MJGS	
National Directorate of Justice	Government	DNJ	
Office for the Protection of Gender, Children and Morals – OPROGEM	Government	DNPMG	
High Command of the National Gendarmerie	Government	HCGN	
COLTE/CDE	National NGO	COLTE/CDE	
Search for Common Ground	International NGO	SFCG	https://www.sfcg.org/
PROSMI	National NGO	PROSMI	http://www.fondationprosmi.org/index.php?option=com_k2&view=itemlist&task=category&id=9:actualites&lang=fr
International Bureau for Children	International NGO	IBCR	http://www.ibcr.org/fr
Fondation Paul Gérin-Lajoie	International NGO	FPGL	http://fondationpgl.ca/accueil/
National Directorate for Social Action	Government	DNAS	
National Directorate for Youth	Government	DNJ	

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