



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-second session

### Summary record of the 1764th meeting

Held at the Palais Wilson, Geneva, on Friday, 18 January 2013, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties** (*continued*)

*Second periodic report of Guinea (CRC/C/GIN/2; CRC/C/GIN/Q/2 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Guinea took places at the Committee table.*
2. **Ms. Diakité** (Guinea) said that the new Constitution, adopted in 2010, provided for the establishment of an independent national human rights institution, a Constitutional Court, a Court of Audit and a High Communications Authority. In 2011, national consultations on justice had drawn attention to the shortcomings of the justice system and had resulted in measures to guarantee judicial independence and increase the population's access to justice. The Ministry of Justice had been reclassified as a Ministry of State and a Ministry of Human Rights had been established.
3. The Act establishing the Children's Code had been promulgated in 2008. The Code, which included all the texts related to the promotion and protection of children's rights, defined children as all persons under the age of 18 entitled to the right to life, to a name, to a nationality and to health.
4. Although the under-5 mortality rate had fallen from 229 to 117 deaths per 1,000 live births between 1992 and 1999, it would be difficult for Guinea to reach Millennium Development Goal No. 4 by 2015. The prevalence of HIV had remained stable at 1.5 per cent since 2002, thanks to the efforts of the national multi-sectoral committee on HIV/AIDS, and some 99 per cent of children were currently vaccinated. Raising awareness of the consequences of early marriage and pregnancy along with fixing the minimum marriage age at 18 for both girls and boys had resulted in fewer early marriages. Although the aggregate enrolment rate had been 79 per cent in 2010, compared with a goal of 100 per cent by 2015, the preschool enrolment rate had remained very low (at 9 per cent in 2011).
5. A strategic plan for birth registration would be developed in 2013 with a view to increasing registration from 53 per cent in 2012 to 70 per cent by the end of 2014. In addition, the community-based system for child protection had provided care for nearly 40,000 child victims of trafficking or violence in 2012.
6. A number of legal texts explicitly protecting children's rights had been enacted, including the Mining Code, the Labour Code and the Environment Code. The Children's Parliament, with representation in 38 communes, gave expression to children through the 114 junior deputies. At the first National Forum on Children, held in June 2012, a decision had been taken on the measures needed for the establishment of a rights-based child protection system by 2015, which would include a monitoring and evaluation mechanism once the national policy on children and the act establishing the Children's Code had been revised.
7. **Ms. Nores de García** (Country Rapporteur) wished to know which body was responsible for coordinating all the actions related to the monitoring, protection and defence of human rights. She expressed the Committee's concern about the absence of an independent human rights commission in line with the Paris Principles. She enquired about efforts to improve tax collection from the productive sector, especially the mining industry, which would make it possible to allocate more resources to social issues and to fighting corruption. She asked whether the Convention was also disseminated orally in the various languages spoken in Guinea and whether tangible measures were being considered to allow everyone to fully enjoy their rights, without discrimination on the grounds of gender or place of residence. She also wished to know whether the Government was planning a ban on corporal punishment in all circumstances. Pointing out that, in 2012, the rate of female

genital mutilation had still been as high as 96 per cent, she stressed the importance of intensifying efforts to combat the practice and, more generally, of ensuring that positive law overrode customary law.

8. **The Chairperson**, speaking in his capacity as Country Rapporteur, asked what measures were being considered to raise awareness of the Children's Code among professionals working with children and to remove ambiguities and contradictions in the text. He wished to know whether the Government planned to adopt a comprehensive policy on children encompassing the many existing sectoral strategies. Noting that, although the age of majority was 18, permission from a parent or guardian often made it possible to sidestep that rule, including in respect of marriage, he asked what measures were being taken to ensure that the age of majority was effectively applied. He expressed concern about the ongoing practice of so-called reparation marriages between a female victim of sexual assault and her assailant. He enquired whether children were heard in civil, criminal or administrative proceedings that concerned them and whether there were plans to provide training on children's rights to professionals working with children.

9. **Ms. Maurás Pérez** noted that, despite the State party's ratification of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), the activities of multinational corporations did not appear to be regulated with respect to child labour, particularly in the mining sector. She asked whether there were any regulations obliging mining companies to conduct environmental impact assessments and expressed concern about the low levels of royalties the State received from multinational corporations.

10. **Mr. Kotrane** asked whether the State party intended to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on the consideration of communications and follow-up procedures and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

11. **Mr. Pollar** asked for further information about the number of traffic accidents and suicides among young Guineans and how the State party intended to reduce the infant mortality rate, which was the highest in Sub-Saharan Africa. He also asked whether religious instruction was compulsory.

12. **Ms. Wijemanne** enquired about measures taken by the State party to raise awareness of the provisions of the new Children's Code among all relevant actors and to ensure that the provisions were applied even in the remotest parts of the country. She also wished to know what happened to children who were not recorded in the civil registry within the prescribed period and how the birth registration system worked at the local level.

13. **Mr. Gastaud** asked the delegation whether the State party intended to increase the human and financial resources of the data-collection unit and whether the unit gathered information on all child-related issues. He also asked about how the Children's Parliament worked, in particular whether it made recommendations to Parliament or the Government informing them of the views of children and, if so, how the recommendations were followed up.

14. **Ms. Al-Shehail** asked what programmes the State party had set up to offset disparities in access to services between rural and urban areas and what initiatives it had taken to collaborate with civil society organizations in a spirit of mutual trust. Had the Government made any budgetary provisions for the implementation of the Convention during the reporting period?

15. **Mr. Guráň** wished to know whether the State party planned to establish an independent body in charge of monitoring the implementation of the Convention and collecting up-to-date data on children, given that those from the most recent census in 1996 were out of date.

*The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.*

16. **Mr. Keita** (Guinea) said that, in order to better address problems that had arisen since its establishment in 1995, the Guinean Committee on the Protection of Children's Rights was being restructured.

17. The head of State had staked his reputation on fighting corruption and the embezzlement of funds destined for social programmes.

18. In an effort to abolish early marriages in certain communities, awareness-raising campaigns were broadcast on regional and local radio stations, with the assistance of the United Nations Children's Fund (UNICEF) and UN-Women.

19. **The Chairperson**, speaking in his capacity as Country Rapporteur, said that while informing the population was sensible, the problem was that there were loopholes in the marriage provisions in the Children's Code. Moreover, reparation marriages should be banned.

20. **Mr. Keita** (Guinea) said that the Government was well aware of the problem, which was why the Children's Code would be revised in 2013. Reparation marriages, though prohibited under the law, were nonetheless commonplace. Thanks to a protection system set up in 2010, girls who were victims of the practice and who ran away from the matrimonial home were assisted and placed in a specialized facility. All infringements of marriage rules were punishable under the Criminal Code, which superseded customary law, and any civil registrar who breached the rules of positive law was liable to punishment. However, there had not yet been any convictions for such offences.

21. **Mr. Traoré** (Guinea) said that almost 10,000 copies of the Convention had already been distributed to judges, police officers, members of women's and youth organizations and children. Guinea celebrated children's month every year with a different theme, such as fighting corporal punishment and violence in school.

22. The Guinean Committee on the Protection of Children's Rights was not well endowed, but UNICEF had promised to provide computers as part of the restructuring. The interministerial committee, whose mandate and operations were described in paragraph 1 of the replies to the list of issues (CRC/C/GIN/Q/2/Add.1), was responsible for coordinating actions taken with regard to children's rights across the country.

23. In place since 2001, the Children's Parliament met once a year for an ordinary session to establish a plan of action for the following year and evaluate the implementation of the previous plan by region. In 2012, the junior deputies had been invited to take part in the National Forum on Children in Conakry and generally attended all relevant meetings and workshops at the national level, provided that they were held outside school hours. All children were represented in the Children's Parliament, including albino children, child workers, school dropouts and children under the care of SOS Children's Villages.

24. The discrepancy between natural resources and gross domestic product was a remnant of past poor governance and the social unrest that had afflicted the country over the previous five years. The return of Guinea to the international community, the election of the president by democratic vote and the forgiveness of two-thirds of the national debt should correct the imbalance.

25. Children who worked in fisheries or agriculture were often employed by relatives; however, the number of children working in those sectors was limited.

26. **Ms. Nores de García** asked whether there were plans to regulate relations between the State and firms responsible for the exploitation of land and the water supply to ensure that children's rights were respected and the population had better access to resources.
27. **Mr. Keita** (Guinea) replied that part of the budget of mining companies went to the local authorities and was invested in public works, such as drilling wells and setting up water points.
28. **Mr. Traoré** (Guinea) said that all mining companies took a community-oriented approach and contributed to the country's development through welfare investments for the population. The companies did not hire children, but children did occasionally work informally in cottage industries near mines, which unfortunately sometimes led to serious accidents and increased the school dropout rate.
29. **Ms. Maurás Pérez** asked what the regulatory framework was for the activities of mining companies and how the Government ensured that companies shouldered their social responsibility.
30. **Mr. Keita** (Guinea) said that under the Environment Code, companies were obliged to conduct an environmental impact assessment prior to the launch of any project likely to affect the population. Under the strategic plan produced by the first National Forum on Children, held in June 2012, companies that exploited natural resources would be expected, in various ways, to help resolve community problems and prevent children's rights violations, such as early marriage and genital mutilation.
31. **Mr. Traoré** (Guinea) said that assistance from the international community to protect children's rights in the context of the mining industry would be very useful.
32. **Mr. Keita** (Guinea) said that the Guinean Committee on the Protection of Children's Rights would be restructured and that it should in future be possible to submit periodic reports on time. The ratification instrument for the Optional Protocol on the involvement of children in armed conflict had recently been deposited with the United Nations Secretary-General. Ratification of ILO Conventions Nos. 182 and 138 were under way, as was that of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Government would seriously consider the possibility of ratifying the Optional Protocol on a communications procedure.
33. **Mr. Camara** (Guinea) said that a moratorium on capital punishment had been declared nearly a decade earlier. While death sentences had been handed down since then, no executions had been carried out. The Government would be launching a consultation process to ascertain whether there was consensus on ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Under the Children's Code, children under 18 years of age could not be sentenced to death or life imprisonment.
34. **Mr. Keita** (Guinea) said that suicide among children was rare in Guinea; unfortunately, that was not true of fatal accidents. Statistics on accidental child deaths would be provided in future periodic reports. Children did not receive religious instruction in regular schools.
35. **Ms. Nores de García** asked what measures the State party intended to take to improve the care of children deprived of parental protection. She also asked what was being done to address the alarming rate of chronic malnutrition in children and to lower the maternal mortality rate. She wished to know whether private schools followed official curricula and what efforts were being made to curb dropouts. Lastly, she enquired about criminal penalties against persons who employed children.

36. **The Chairperson**, speaking in his capacity as Country Rapporteur, wondered what the obstacles were to the proper functioning of the juvenile justice system. He asked how the State party was improving the detention conditions of children who were often held with adults in appalling hygiene conditions and without any access to education. He asked whether measures were being taken to remove talibés from begging networks. Lastly, he wished to know whether the State party had taken steps to limit the spread of noma, a preventable yet highly debilitating disease that still affected thousands of children in Guinea.

37. **Ms. Lee** asked what the enrolment and retention rates were for secondary education. She also asked whether the State party intended to lower the school entry age of 7 years in order to enable more children, especially girls, to complete primary education.

38. **Ms. Wijemanne**, recalling that maternal and infant mortality were chiefly attributable to preventable diseases, asked what steps the State party intended to take to improve pre- and postnatal and obstetric care and the medical supervision of young children.

39. **Mr. Pollar** asked whether the State party had already applied the Convention on the Civil Aspects of International Child Abduction and whether children were free to choose their religion.

40. **Mr. Koompraphant** asked what mechanisms were in place to prevent sexual violence in schools and how many cases had been prosecuted in 2011 and 2012. He also invited the delegation to describe the measures taken to combat human trafficking, provide remedies to child victims and punish perpetrators.

41. **Mr. Cardona Llorens** wished to know what measures had been adopted to promote the integration of children with disabilities in schools.

42. **Mr. Gastaud** said he took it that the Children's Code permitted the detention of children aged 13 to 16 and requested clarification in that respect. He also wished to know more about the sectoral education programme.

43. **The Chairperson**, speaking in his capacity as Country Rapporteur, wished to know what efforts the State party was making to demobilize children who had been involved in armed conflict and hasten the demilitarization of the country.

*The meeting rose at 1 p.m.*