



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2013

Guinea*

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Contents

| | <i>Page</i> |
|---|-------------|
| Introduction | 3 |
| I. General guidelines..... | 3 |
| II. Data | 7 |
| III. General measures of implementation relevant to the Protocol | 12 |
| IV. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))..... | 16 |
| V. Prohibition and related matters (arts. 3, 4 (2) and (3), 5, 6 and 7)..... | 21 |
| VI. Protection of the rights of child victims (arts. 8 and 9 (3) and (4)) | 33 |
| VII. International assistance and cooperation | 35 |
| VIII. Other legal provisions | 37 |
| Conclusion | 38 |
| Annex | 39 |

Introduction

1. The situation of children in the world remains very worrying despite the ratification of the Convention on the Rights of the Child by almost all Member States of the United Nations. This clear will to promote and protect children's rights at the universal level has faced major challenges to implementation owing to the emergence of new problems, such as cross-border crime linked to human trafficking, the mobility of children and child prostitution.

2. Accordingly, the then United Nations Human Rights Commission set up a working group to draft an optional protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography. The working group did eventually produce an optional protocol, which was adopted and opened for signature, ratification and accession by the United Nations General Assembly on 25 May 2000. The Optional Protocol entered into force on 18 January 2002.

3. The fundamental objective of this Optional Protocol is to guarantee the protection of children against the sale of children, child prostitution and child pornography, in accordance with the provisions of articles 1, 11, 21, 32, 33, 34, 35 and 36 of the Convention on the Rights of the Child.

4. Faithful to its international commitments, the Republic of Guinea ratified and promulgated the Optional Protocol to the Convention through Act No. L/2001/024/AN of 10 December 2001. The Optional Protocol entered into force following the deposit of the instrument of ratification in 2011.

5. This report has been prepared in accordance with the guidelines of the Committee on the Rights of the Child on the reports to be submitted under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, which cover the following topics:

1. General guidelines;
2. Data;
3. General measures of implementation;
4. Prevention of the sale of children, child prostitution and child pornography;
5. Prohibition and related matters;
6. Protection of the rights of child victims;
7. International assistance and cooperation;
8. Other legal provisions.

I. General guidelines

1. Drafting of the report

6. The Guinean Committee on the Protection of Children's Rights is an interministerial government advisory body, attached to the Ministry of Social Affairs, the Advancement of Women and Children's Affairs. It is responsible, inter alia, for preparing reports on the implementation of the international, regional and national conventions and treaties on children's rights to which Guinea is a party.

7. Accordingly, the Committee prepared and submitted the initial and second periodic reports on the implementation of the Convention on the Rights of the Child and the initial report on the implementation of the African Charter on the Rights and Welfare of the Child.

This initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was prepared in a similar fashion.

8. The Committee received technical and financial assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guinea for the preparation of the report. As a result of the partnership between the Ministry of Social Affairs, the Advancement of Women and Children's Affairs and OHCHR, the Committee was able to fulfil its reporting obligations to the Committee on the Rights of the Child with respect to the implementation of the Optional Protocol in Guinea.

9. A mini-workshop of introduction to the Optional Protocol and guidelines was held in Conakry in December 2013, with the participation of the members of the Guinean Committee on the Protection of Children's Rights and other resource persons to ensure that the report was prepared in a participatory manner.

10. Following the workshop, questionnaires were drawn up in accordance with the revised guidelines on initial reports of States parties to the Optional Protocol. The questionnaires were distributed to the various stakeholders likely to have information concerning the areas in question.

11. The drafting process consisted in a document review, an analysis of information and data and the findings of the field surveys by the members of the Committee. For the last phase, all the State and non-State actors gathered in Conakry in April 2014 to approve the report. The comments and amendments put forward at that workshop were taken into account. The final report resulting from this participatory process was transmitted to the cabinet council of the Ministry of Social Affairs for submission to the United Nations Secretariat.

2. General principles of the Convention in the implementation of measures adopted under the Optional Protocol

12. At every stage of the implementation of the Optional Protocol, the above-mentioned principles of non-discrimination, the primacy of the best interests of the child, the rights to life, survival and development, and respect for the views of the child were broadly taken into account.

3. How the measures taken to implement the Protocol have contributed to the implementation of the Convention, in particular articles 1, 11, 21, 32, 34, 35 and 36

13. The measures taken to implement the Optional Protocol that have contributed to the implementation of articles 1, 11, 21, 32, 34, 35, and 36 of the Convention include:

- Ratification of the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) through Act No. L/2001/023/AN of 10 December 2001;
- Ratification of the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) through Act No. L/2001/022/AN of 10 December 2001;
- Ratification of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption through Act No. L/2001/021/AN of 10 December 2001;
- Ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict through Act No. L/2001/020/AN of 10 December 2001;
- Ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), in 2004;

- Conclusion of a bilateral cooperation agreement between the Republic of Guinea and Mali on combating trafficking in children on 16 June 2005;
- Conclusion of a multilateral cooperation agreement on combating trafficking in children between Guinea and eight other States in the region, namely Benin, Côte d'Ivoire, Liberia, Burkina Faso, Niger, Mali, Togo and Nigeria on 25 July 2005;
- Signature of a multilateral cooperation agreement to combat trafficking in women and children in West and Central Africa in Abidjan on 6 July 2006;
- Establishment of a standing committee to monitor the implementation of each of the three aforementioned agreements, made up of government and civil society representatives;
- Act No. L/2008/011/AN of 19 August 2008 on the Guinean Children's Code, whose provisions a definition of the child and regulate the adoption, employment, abduction and sale of children;
- Establishment of an intersectoral committee on international adoption, under the authority of the Ministry of Social Affairs, the Advancement of Women and Children's Affairs on 8 January 2013.

4. Status of the Optional Protocol under domestic law and its applicability before the national courts

14. The ratification/promulgation of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography by the National Assembly through Act No. L/2001/024/AN of 10 December 2001 gives the Protocol supranational status, in accordance with article 151 of the Guinean Constitution of May 2010, which provides that "On publication, duly approved and ratified treaties and agreements shall take precedence over statutes, subject to reciprocity". Consequently, it is applicable before all national courts.

15. What is more, the provisions of the Optional Protocol have been incorporated into section IV of the Act containing the Guinean Children's Code entitled "incitement of children to immoral acts, child prostitution and child sex tourism, pornography and child pornography".

5. Reservations to the Optional Protocol

16. The Republic of Guinea ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography without reservations.

6. Measures taken to implement the Optional Protocol

(a) Progress achieved

Legislative measures

17. Measures include the adoption of a Children's Code that is in line with the international commitments of Guinea, including the Convention on the Rights of the Child, ILO Conventions No. 182 and 138, the 1993 Hague Convention on Intercountry Adoption, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Palermo Protocol.

Administrative measures

- Establishment of the Guinean Committee on the Protection of Children's Rights through Decree No. D/95/010/PRG/SGG of 16 January 1995;

- Establishment of the National Committee to Combat Human Trafficking, in particular of women and children, in 2005;
- Establishment of the Unit for the Promotion and Protection of Children's Rights in the Armed Forces in 2003;
- Establishment of the Division for the Promotion and Protection of Children's Rights in the Criminal Investigation Department of the National Police in 2008;
- Establishment of the Office for the Protection of Gender, Children and Morals within the Ministry of Security and Civil Protection through Order No. 3476 of 1 December 2009, confirmed by Decree No. 120/PRG/SGG/11 of 14 April 2011. The Office is responsible for implementing government policy on the protection of vulnerable groups (including women and children) and of morals by the National Police. Accordingly, it is responsible for coordinating investigations into all forms of violations of women's and children's rights and exchanging and disseminating data on the identities of the perpetrators and accomplices of such violations throughout the national territory and beyond. Consequently, the Office has introduced:
 - An obligation for adults travelling with children to carry a card authorizing them to leave the country;
 - An obligation for hotel and motel keepers to fill out personal detail forms for all of their clients. Such establishments are checked regularly by staff of the Morals Department of the Office for the Protection of Gender, Children and Morals;
 - Boarding passes at Conakry airport with information on child trafficking as part of a partnership between the Office for the Protection of Gender, Children and Morals, the Programme for Capacity-Building for Peace and the United Nations Children's Fund (UNICEF). The objective of this initiative is to warn and raise awareness among travellers of the existence of trafficking in children and to act as a deterrent for child traffickers.

Social measures

18. National and international NGOs provide support for the implementation of measures related to the principles of the Optional Protocol.

19. For example, in 2009 a 12-year-old boy was abducted in the village of Tabiliy, Coyah prefecture, by two unknown men, who took him to Liberia with the intention of selling him. The child and one of the abductors were intercepted in the city of Voinjama, Liberia, by guards from the United Nations Mission in Liberia. The child was entrusted to a woman from the Liberian police and the abductor was detained in the city prison.

20. After some eight months of investigations, the child was repatriated to Guinea thanks to a joint operation by the Office for the Protection of Gender, Children and Morals and the NGO Terre des hommes-Lausanne. The NGO Sabou-Guinée arranged the child's reunification with his family and monitored his reintegration into school and society. The abductor was handed over to the Guinean authorities to be brought to justice.

(b) Factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Protocol

21. Poor knowledge of legislative texts among law enforcement agents and the general public; low level of engagement among criminal investigation officers owing to lack of training; interference of the executive and the public in the judiciary; a decline in morals; lack of parental responsibility; increasing household poverty, youth unemployment; media influence; lack of funding for the child protection sector; a culture of impunity; porous

borders and clandestine routes into neighbouring countries; the fact that most perpetrators and victims are related, leading to amicable settlements; poverty, illiteracy, etc.

(c) **“Guinea is a unitary Republic”**

22. This principle is set out in article 1 (1) of the Constitution of May 2010.

7. Implementation of the Protocol with regard to all territories and persons over which the State party exercises jurisdiction

23. Article 1 of the Constitution provides that “Guinea is a unitary, indivisible, secular, democratic and social republic. It shall ensure the equality of all citizens before the law, without distinction as to origin, race, ethnicity, sex, religion or opinion.” Accordingly, following its ratification, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography became applicable throughout the national territory.

8. Documents annexed to this report

24. Copies of the documents cited (legislative, administrative and other relevant texts) in the report are annexed to the present report.

II. Data

9. Data on the progress made in implementing the Protocol and any remaining gaps or challenges

25. Progress made includes the incorporation of the provisions of the Optional Protocol into Guinean legislation, the establishment of the Office for the Protection of Gender, Children and Morals under the Ministry of Security and Civil Protection, the establishment of the National Steering Committee to Combat Child Trafficking, and the adoption of a new national strategy for the reform of the justice sector.

26. Difficulties include the fact that the National Committee to Combat Trafficking in Persons is not operational at the national level because of a lack of resources and the failure to investigate cases of child trafficking referred to the courts.

10. Data available on cases of sale of children

(a)

27. Guinea is a country of origin, transit and to a lesser extent destination for men, women and children who are the victims of forced labour and trafficking for sexual purposes. In Guinea, the majority of victims of trafficking are children, and cases of trafficking are more widespread among Guinean citizens than among foreign migrants residing in the country. Girls are often subjected to domestic servitude and commercial sexual exploitation, while boys are forced to beg in the streets or to work as street hawkers, shoe shiners or labourers in the gold and diamond mines.

28. Some Guinean men are subjected to forced agricultural labour. Although no statistical data are available, small numbers of girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso and Guinea-Bissau immigrate to Guinea, where they are subjected to domestic servitude and also at risk of commercial sexual exploitation. Small numbers of boys and girls are subjected to forced labour in the gold-mining sector in Senegal, Mali and perhaps other African countries.

29. Guinean women and girls are subjected to domestic servitude and forced to engage in prostitution in Nigeria, Côte d’Ivoire, Benin, Senegal, Greece and Spain. Women from

China are brought to Guinea for the purpose of commercial sexual exploitation by Chinese traffickers, and it has been reported that Vietnamese women are forced to engage in prostitution in hotels and restaurants in Guinea. Trafficking networks also convey women from Nigeria, India and Greece via Guinea to North Africa and onwards to Europe, particularly Italy, Ukraine, Switzerland and France, where they are forced to engage in prostitution and domestic servitude. (Source 2010 report, Embassy of the United States in Conakry)

30. To date, there has been a single prosecution and conviction for the sale of children, at the end of 2013 in Conakry by the Kaloum Court of First Instance. A few cases are reported in the press although information is not provided by the relevant authorities.

(b)

31. There are no statistics on the transfer of children's organs for profit, although occasionally in recent years corpses lacking vital organs have been discovered in Conakry and some towns in the interior of the country.

(c)

32. Articles 411 et seq. of the Act on the Guinean Children's Code prohibits and regulates child labour.

33. For example, under article 411 of the Children's Code, employers are prohibited from using children to carry out work disproportionate to their capacities or likely to have a negative impact on their education, health or physical and moral development.

34. Furthermore, under article 415, persons under the age of 18 are prohibited from carrying out the following work:

“The employment of workers under the age of 18 to carry out the following work is prohibited:

1. Greasing, cleaning, inspecting or repairing working machines or mechanisms;
2. Work that requires being present in or passing through premises containing hand-operated, engine-run or animal-powered machines”.

35. In practice, the national survey on child labour in Guinea, the report on which was adopted in July 2011, shows that a large number of Guinean children are subjected to the worst forms of labour. For example, the survey shows that, out of a sample of 3,561,160 children aged between 5 and 17:

- 43 per cent (1,532,349) are economically active (small businesses);
- 40.1 per cent (1,427,778) of children aged between 5 and 17 (that is, 93.2 per cent of working children) are made to do work that should be abolished (including all forms of slavery or similar practices such as forced labour, trafficking, debt bondage and servitude, as well as illegal activities and/or activities that could harm children's safety, health and morals, such as prostitution, pornography, forced or compulsory recruitment into armed conflicts, drug trafficking, etc.);
- 34 per cent (1,200,292) of children aged between 5 and 17 (or 78.3 per cent of working children) are forced to engage in dangerous work (work that exposes children to physical, psychological or sexual abuse; work carried out underground, underwater, at dangerous heights or in confined spaces; work carried out with dangerous machines, materials or tools, or that involves handling or carrying heavy loads) (Source: 2011 National Report on Child Labour).

36. The 2007 Human Rights Watch report entitled “Bottom of the Ladder” on the exploitation and abuse of girl domestic workers in Guinea mentioned that a little more than half of Guinean girls working as domestic workers in the mid-2000s had been sent by their

parents to work for relatives through host family arrangements, while the remainder worked for employers to whom they were not related. Many of these girls had been recruited by women to whom they were related or who did business in their villages.

37. Some girls also travel to the capital, Conakry of their own accord and then contact women from their home region, who help them find work and provide them with accommodation until they start working. (Source: 2007 Human Rights Watch report)

(d)

38. In Guinea, adoptions are conducted in accordance with the rules set out in the Children's Code, where special protection is provided for children in the area of international adoption, and those of the International Adoption Committee and set out in other applicable instruments to which Guinea is a party, as shown by 2010, 2011 and 2012 statistics (see table).

(e)

39. See reply in (f) below.

(f)

40. Statistics for 2013 of the Office for the Protection of Gender, Children and Morals on the sale of children do not mention any cases, but statistics for 2010, 2011 and 2014 report interceptions of cases of child trafficking.

41. On 4 January 2010, 17 children were intercepted by a mixed team of departmental gendarmerie and police at a checkpoint in Mamou. They were all from Kalenko in the prefecture of Dinguiraye. Sixteen of the children, including 10 girls, were aged between 10 and 18 years old. They were all travelling to Conakry, where they were expected either by relatives or supposed employers. The children and the people accompanying them were handed over to the vice squad. The two adults accompanying them were placed in pretrial detention at the Criminal Investigation Department. The children, who were kept at the transit centre of the NGO Sabou-Guinée in Conakry, were reunited with their families by the Government, with the support of UNICEF and ChildFund Guinea, among others.

42. On 21 January 2010, five trafficked children aged between 3 and 11 years old were intercepted by the gendarmerie in Mamou; all of them boys from the village of Kankalabé in Moyenne-Guinée. They were transferred to the Sabou-Guinée transit centre in Mamou before being returned to their families.

43. In September 2011, the Defence and Security Forces intercepted 11 children being trafficked: 4 in Koundara, 1 in Kankan and 6 in Forécariah (3 girls and 3 boys ranging in age from 6 to 13 years old). These children were also returned to their families by the NGO Sabou-Guinée.

44. Under the Stop Exploitative Labour and Educate Children for Tomorrow (SELECT) project, between September 2010 and September 2011, 500 cases of domestic trafficking of children aged between 6 and 17 years old were identified and brought before the courts in Dinguiraye, Dabola, Faranah, Téliimélé and Kindia.

45. In March 2014, 22 trafficked children from the prefecture of Dinguiraye were intercepted by the Defence and Security Forces at the Senegalese border. These children were returned to their home prefecture thanks to joint action by the Ministry of Social Affairs, the Embassy of the United States of America and the NGO Sabou-Guinée.

(g)

46. Children continue to be the victims of practices prohibited under the Optional Protocol, despite the joint efforts of the Government and civil society organizations in the

field. The statistics below, produced by the Office for the Protection of Gender, Children and Morals in 2013 in relation to three administrative regions, do not provide any data on the problems of the sale of children, child prostitution and child pornography.

47. The Office has, however, identified and referred to the courts cases of:

- Child labour;
- Child trafficking;
- Abduction;
- Corruption of minors;
- Incitement of minors to debauchery;
- Sexual harassment.

Annual statistics of the Office for the Protection of Gender, Children and Morals for 2013 (police)

| No. | Offences | No. of cases | Referred to the public prosecutor | Number of victims | | | | Number of perpetrators | | | | Location | | | |
|-----|------------------------------------|--------------|-----------------------------------|-------------------|-----|-------------|---------------|------------------------|-----|-------------|---------------|----------|----|----|---|
| | | | | Age | | Nationality | | Age | | Nationality | | | | | |
| | | | | -18 | +18 | Nationals | Non-nationals | -18 | +18 | Nationals | Non-nationals | | | | |
| | | | | M | F | M | F | M | F | M | F | | | | |
| 1 | Transfer of children | | | | | | | | | | | | | | |
| 2 | Child labour | 3 | 1 | 1 | 2 | | 1 | 2 | | | 3 | | 3 | | |
| 3 | Child trafficking | 4 | 1 | 1 | 3 | | 1 | 3 | | 1 | 3 | 1 | 3 | | |
| 4 | Child abduction | 40 | 9 | 18 | 21 | | 3 | 19 | 22 | | 29 | 13 | 28 | 13 | 1 |
| 5 | Corruption of minors | 12 | 3 | 6 | 6 | | | 6 | 6 | | 8 | 4 | 8 | 4 | |
| 6 | Incitement of minors to debauchery | 3 | | | 3 | | 2 | 1 | | | 3 | | 3 | | |
| 7 | Harassment | 9 | 4 | | | 1 | 8 | 1 | 8 | | 8 | 1 | 8 | 1 | |
| 8 | Sale of children | | | | | | | | | | | | | | |
| 9 | Child prostitution | | | | | | | | | | | | | | |
| 10 | Child pornography | | | | | | | | | | | | | | |

11. Data on child prostitution

(a)

48. Many young girls aged between 13 and 19 and some women, including married women, engage in prostitution. This sorry state of affairs can be seen in some nightclubs, *maquis* (open-air restaurants) and even at the roadside at major crossroads.

49. At dusk, these women and young girls take their bags and go out under the indifferent eye of parents who are crushed under the weight of poverty. In fact, most of these parents may actually encourage their daughters to go out in search of their daily bread. In most cases, the girls drop out of school and jobs to become sex workers in order to meet the needs of their families.

50. The Ministry of Health, in cooperation with the AIDS 3 programme, had developed a programme of guidance and assistance for women and girls working as prostitutes. The programme included screening for sexually transmitted diseases and HIV and treatment. Until they were closed down, the centres set up under the programme were poorly attended until the vice squad took action. The squad's task was to find the women and girls wherever they were and take them to the centres to undergo screening for sexually transmitted diseases and, if they tested positive, to be treated by the Ministry of Health. As a result of the project, the police were able to identify more than 600 prostitutes in Conakry, including some young adolescents.

51. Despite the lack of data, the practice is a fact of life in Guinea, as girls are sexually exploited in brothels in the capital and certain mining towns in the interior of the country. In Guinea, it is most often the hotel or innkeepers who recruit girls to offer to the clients of their establishments for payment.

(b)

52. In the absence of any surveys on the matter, there are no indicators to measure whether there has been an increase or decrease in child prostitution or any other kind of prostitution. On the other hand, adolescent prostitution is plain to see in some recreational establishments and motels, both in Conakry and in mining towns, such as Kamsar, Léro and Siguiri.

(c)

53. While it is true that girls under the age of 18 are exposed to commercial sexual exploitation, Guinea is not a major sex tourism destination.

12. Production, importation, distribution or consumption of child pornography

54. The film industry in Guinea is not actively engaged in the production, importation, distribution or consumption of child pornography.

55. The production of all short, medium or feature-length films or videos requires the authorization of the National Film Office of Guinea, in accordance with Decree No. 97/006/PRG/SGG of 28 January 1997 governing the film, video and photographic professions.

56. All persons in breach of these regulations will have their material seized on set and will be refused a visa for the release of any film made on the national territory that has not been authorized by the National Film Office.

57. However, it must be acknowledged that there is a proliferation of pornographic material on the local market.

58. Article 361 of the Children's Code prohibits access to certain establishments by minors in the following terms:

“All minors under the age of 18 are prohibited from entering, regardless of admission conditions, establishments that offer entertainment or shows, if such entertainment or the clientele of the establishment are likely to have a harmful influence on the health or morality of young people.

Any person who runs an establishment that is not open to minors under the age of 18 and has not displayed this prohibition under the conditions prescribed by law shall be liable to a prison term of between 3 months and 1 year and/or a fine of between 100,000 and 500,000 Guinean francs.

The same penalty shall be applicable to any person who runs an establishment closed to minors under the age of 18 or who, being in charge of controlling admission to such an establishment, allows a minor under the age of 18 to enter.”

III. General measures of implementation relevant to the Protocol

13. Information

(a)

59. Articles 356 to 360 of Act No. L/2008/011/AN of 12 August 2008 on the Guinean Children’s Code incorporate the provisions of the Optional Protocol in section IV entitled “on the incitement of children to immoral acts, child prostitution and child sex tourism, and child pornography”. The 1998 Criminal Code also addresses procuring in Articles 328, 329 and 330, which provide that:

“Procuring is the activity pursued by any man or woman who facilitates the prostitution of others by acting as an intermediary.”

The following persons shall therefore be considered as procuring and shall face a penalty of 6 months to 2 years in prison and a fine of 50,000 to 400,000 Guinean francs, without prejudice to any higher penalties that may apply:

1. Any person who, by whatever means, knowingly provides aid, assistance or protection in the prostitution of another person or in solicitation with the intent of prostitution;
2. Any person who, in whatever way, shares in the earnings of the prostitution of another person or receives payments from a person habitually engaged in prostitution;
3. Any person who, while knowingly living with a person regularly engaged in prostitution, is unable to demonstrate that he or she has sufficient resources to pay for his or her lifestyle;
4. Any person who recruits, entices or retains a person, even with that person’s consent and even if the person is of legal age, for purposes of prostitution, or leads the person to prostitution or debauchery;
5. Any person who acts as an intermediary, in whatever capacity, between persons engaging in prostitution or debauchery and the individuals taking advantage of or remunerating another’s prostitution or debauchery”.

“The penalty incurred shall be 2 to 5 years’ imprisonment and a fine of 100,000 to 1,000,000 Guinean francs in cases where:

1. The offence has been committed against a minor;
2. The offence has been committed through coercion, abuse of authority or deceit;
3. The perpetrator of the offence was carrying a visible or concealed weapon;
4. The perpetrator of the offence is the spouse, relative in the ascending line, guardian, teacher or paid servant of the victim or a paid servant of one of the aforementioned persons, a civil servant or a religious minister;

5. The perpetrator of the offence is required, by virtue of his or her office, to participate in efforts to combat prostitution, protect health or maintain public order;

6. The person uses threats, pressure, manipulation or any other means to hamper prevention, control, assistance or rehabilitation activities undertaken by qualified bodies for the benefit of persons engaged in prostitution or at risk of prostitution”.

(b)

60. The criminal investigation bodies, particularly the Office for the Protection of Gender, Children and Morals, carry out important work on the ground to arrest the perpetrators of such offences and bring them before the competent courts. Unfortunately, there have been no prosecutions in this respect in recent years.

(c)

61. The Ministry of Social Affairs, the Advancement of Women and Children’s Affairs, the Ministry of Security and Civil Protection, the High Command of the National Gendarmerie, the Ministry of Posts and New Information Technology, the Ministry of Justice, the Ministry of Human Rights and Public Liberties, the Ministry of Tourism, and the Ministry of Education, Labour and Youth are primarily responsible for implementation of the Protocol.

62. At the central level, the Guinean Committee on the Protection of Children’s Rights is responsible for coordination. In addition the Guinean Child Protection System is based at community level and runs bodies from the municipal to the central level. Frank collaboration has been established with civil society organizations working in the field of child protection, such as the coalition of NGOs for the protection of children’s rights and to combat child trafficking (COLTE/CDE), the Movement of Children and Young Workers of Guinea, and networks of journalists for the protection of children’s rights.

(d)

Dissemination of information about the Protocol

63. Since 2002, the National Directorate of Preschool Education and Child Protection has organized regional workshops to disseminate the five international legal instruments ratified by the National Assembly on 10 December 2001, including the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

64. Since then, television and radio debates have been held and information posters displayed throughout the month of June (the Month of the Guinean Child) every year to advocate and mobilize society for the protection of children in Guinea.

65. As part of the project on the protection and participation of children in the villages of Yendè Millimou and Manfran (Kissidougou) run from July 2010 to June 2011, Plan Guinée, in cooperation with the NGO Monde des Enfants, provided capacity-building training to 60 teachers/educators, 150 adolescents and 50 leaders and other resource persons on mechanisms for identifying and reporting different types of violations of children’s rights related to the Optional Protocol. As a result, the following cases were identified:

| <i>Children’s profile</i> | <i>Girls</i> | <i>Boys</i> | <i>Total</i> |
|-----------------------------|--------------|-------------|--------------|
| Abuse and exploitation | 49 | 30 | 79 |
| Sexual violence | 28 | 4 | 32 |
| Physical violence and abuse | 9 | 11 | 20 |

| <i>Children's profile</i> | <i>Girls</i> | <i>Boys</i> | <i>Total</i> |
|--|--------------|-------------|--------------|
| School dropout | 34 | 23 | 57 |
| Children in street situation | 2 | 3 | 5 |
| Serious health problems | 14 | 9 | 23 |
| Minors in conflict with the law | 1 | 3 | 4 |
| Lack of information and training on protection | 100 | 134 | 234 |
| Total children identified | 237 | 217 | 454 |

66. Altogether 388 children, 200 of them girls, benefited from the project, which involved, inter alia, a stay at the Monde des Enfants transit centre, support activities, school and socioprofessional reintegration, and the provision of school kits. Only four of the cases resulted in a prosecution; in the remainder, the parties sought a settlement through mediation.

(e)

67. The Guinean Committee on the Protection of Children's Rights is the body responsible for monitoring the implementation of all legal instruments on children's rights to which Guinea is a party. The Committee is supported by a monitoring and evaluation division that maintains a database containing information provided by the bodies involved in the Guinean Child Protection System. A statistical yearbook on child protection is published annually.

(f)

68. An annual budget allocation is made to the ministerial departments responsible for issues related to the implementation of the Optional Protocol (Ministry of Social Affairs, the Advancement of Women and Children's Affairs, Tourism and Hotel Industry, Security, Human Rights and Public Liberties, Justice). Each department uses these budget allocations to implement its own subsectoral policy.

(g)

Overall strategy for eradicating the sale of children

69. One of the strategies employed by Guinea in this area is the establishment of intersectoral coordination mechanisms (Guinean Committee on the Protection of Children's Rights, National Committee to Combat Trafficking in Persons and Children, Guinean Human Rights Organization, Coalition of NGOs to Combat Child Trafficking/Convention on the Rights of the Child, Follow-up Committee for the Convention on the Elimination of All Forms of Discrimination against Women, and the West Africa Network for the Protection of Children through Sabou-Guinée). Each body has an annual or biannual plan of action with its own objectives in the area of the protection of victims and promotion of children's rights and human rights.

70. Examples of action plans include:

- The action plan of the National Committee to Combat Trafficking in Persons and Children, which focuses on:
 - Prevention and awareness-raising;
 - Protection and assistance for victims of human trafficking;
 - The legal framework and policymaking;

- Data collection, sharing and analysis;
 - Establishment of a National Fund to Combat Child Trafficking;
 - Cooperation/monitoring of bilateral and multilateral agreements.
- The national action plan of the Coalition of NGOs to combat child trafficking is based on the following key areas:
- Prevention of trafficking;
 - Victim protection;
 - Prosecution of perpetrators.

(h)

71. The contribution of civil society to eliminating the practices described in the Optional Protocol essentially involves advocacy, awareness-raising, and the support and reintegration of victims.

72. The population has become increasingly aware of the phenomenon of trafficking in persons as a result of the many training sessions and awareness-raising campaigns conducted in Conakry and the regions over the past decade. The involvement of community and rural radio stations in awareness-raising programmes has contributed to enhancing knowledge among the Guinean population, particularly in rural areas.

73. The following village and community bodies are heavily involved in outreach campaigns and participate in the victim protection mechanism:

- Village operational units;
- Prefectural child protection committees;
- Local vigilance committees;
- Local protection committees;
- Associations of parents and friends of schools;
- Local children and family councils;
- Village monitoring committees;
- Centres for youth outreach, counselling and guidance;
- Associations of mothers and daughters;
- Children's Parliament of Guinea;
- Nafa centres (second-chance schooling);
- Women's self-help centres.

74. Within the National Committee to Combat Trafficking in Persons, the member civil society organizations also pursue their efforts in the implementation of the Committee's various plans of actions. With the support of its partners, the Committee since 2010 has organized sessions to publicize the Guinean Children's Code in the urban courts and police stations of Conakry and the country's seven administrative regions.

(i)*The role played by ombudspersons for children*

75. At the legislative level, the Children's Code, in articles 335 et seq., provides for the appointment in each prefecture of a children's mediator by the Ministry of Social Affairs,

the Advancement of Women and Children's Affairs from among its officials, taking into account the importance candidates attach to children's issues and their competence.

76. The aim of mediation is to avoid the negative effects of criminal proceedings, ensure reparation for the injury done to the victim, put an end to the distress caused by the criminal offence and contribute to the rehabilitation of the perpetrator. The mission of the children's mediators shall be to help the parties to disputes to reach a settlement, which must not violate public order or morality. If necessary, mediators for children shall verify that any commitments made are met.

77. In practice, every effort is made to appoint the mediators without delay.

78. With regard to the national human rights institution, technical and financial partners (including the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the European Union) are supporting the new National Assembly and the Government in the process of establishing and operationalizing this institution.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

- 14. The Office for the Protection of Gender, Children and Morals, the Child Protection Division of the Criminal Investigation Department of the National Gendarmerie, the bodies of the Guinean Child Protection System and child protection NGOs are the main actors involved in identifying children vulnerable to such practices. The first two organize unannounced visits to recreational establishments, motels and ferry ports, while the latter proceeds by referral.**

79. The revision of the national child protection policy, the strengthening of the Child Protection System, the adoption of the Reproductive Health Act, the Guinean Children's Code and the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) are among the political commitments the State and its partners have undertaken to protect children from such practices.

80. In 2012, the National Civil Registry Centre was established as a national department within the Ministry of Territorial Administration and Decentralization.

81. These administrative measures have led to the strengthening of the institutional and strategic framework for the protection of all children in difficult situations.

82. In the context of the implementation of the United Nations Peacebuilding Fund, UNICEF, through civil society, supported the vocational training of 1,350 young girls who had dropped out of school or did not attend school in 2013.

83. Between 2006 and 2013, the NGO coalition "Terre des Hommes-Lausanne, Sabou-Guinée and Le Monde des Enfants" developed a programme for the protection of children in difficulty. This programme targeted more than 3,000 street children, minors in conflict with the law, and child victims of trafficking, exploitation, abuse and negligence in Conakry, Kissidougou, Guéckédou and N'Zérékoré. In the same period, the NGO Sabou-Guinée developed the same type of programmes in the towns of Kindia, Mamou and Labé with the support of Swiss cooperation.

84. During legal proceedings or the school reintegration of some of these children, the NGO coalition, in cooperation with the families, facilitated the issuing of replacement certificates to serve as birth certificates.

85. Thanks to the establishment of a youth employment fund, vocational training will be provided to approximately 25,000 young men and women aged between 15 and 25 years

old. This will be accompanied by a youth employment action plan 2014-2015 covering the following:

1. Short-term skills training for 1,000 young people;
2. Training through dual apprenticeships for 3,000 young people;
3. Organization of eight regional employment, training and entrepreneurship exhibitions for 10,000 young people;
4. Traineeships for 1,000 young people in companies;
5. Establishment of eight youth entrepreneurship centres in Conakry and the seven administrative regions;
6. Funding of 3,000 youth businesses, 1,000 of which in rural areas;
7. Support for the establishment and development of 10 job centres for young people;
8. Laying of 500,000 m² of cobblestones, creating temporary jobs for 105,000 young people without qualifications;
9. Project to support 25 leading companies run by young people.

86. The establishment of Nafa centres — second-chance schools — has allowed several hundred girls in rural and urban areas to return to education. In addition, the establishment and strengthening of the women's self-help centres in all prefectures has given several thousand girls a chance to undergo apprenticeships in different trades (such as hairdressing, dyeing, soap-making or dressmaking).

87. Despite many difficulties, some progress has been made in the field of education in terms of improving the net enrolment rate and the rate of primary school completion, as well as in relation to illiteracy. This outcome has been made possible, inter alia, by the current increase in school infrastructure thanks to the implementation of the Education Sector Adjustment Programme, the Educational for All Programme and the Sectoral Education Programme.

88. The country has made progress in recent years. There has been a significant increase in gross access to primary education, from 78.3 per cent in 2009-2010 to 84.8 per cent in 2011-2012, in other words an increase of 6.5 percentage points. This increase also benefited girls in the same period (from 75.6 per cent to 78 per cent). The gross enrolment rate also rose, from 78.3 per cent in 2009-2010 to 81 per cent in 2011-2012. The same trend is apparent among girls, where the rate rose from 70.1 per cent in 2009-2010 to 73.5 per cent in 2011-2012.

89. The primary school completion rate, although improving from 56.6 per cent in 2009-2010 to 58.5 per cent in 2011-2012, remains low. This indicator has also improved in rural areas, where 42.3 per cent of pupils completed primary education in 2011-2012 compared to 26 per cent in 2009-2010. Among girls, the primary school completion rate has fallen by 11 percentage points, from 45 per cent in 2009-2010 to 34 per cent in 2011-2012. The Government is implementing the "productive social safety nets" project, financed by the World Bank to the value of US\$ 25 million, in order to stop the trend through cash transfers.

90. The number of primary school classrooms has increased by 2,049, from 33,755 in 2009-2010 to 35,804 in 2011-2012. The total number of pupils at primary school level increased from 1,453,355 to 1,536,722 (including 725,543 girls) between 2010 and 2011 and reached 1,599,839 in 2012, in other words 146,484 pupils were added between 2010 and 2012.

91. In the health sector, Guinea has adhered to the international Health for All strategy. Accordingly, national health policy is essentially based on the primary health-care strategy adopted by the World Health Organization in 1978. It is based on the harmonious

integration of curative, preventive and promotional care, the promotion of individual, family and community health, and community participation in the design, funding, implementation and evaluation of health actions.

92. The general aim is to ensure that all men and women living in the national territory have access to quality health-care services, without any geographic, economic or sociocultural barriers. The plan is thus to set up an accessible health-care system to meet the health needs of the population by 2015.

93. The target for meeting specific objectives is 2015.

94. Realizing the Government's wish to achieve the Millennium Development Goals will involve:

- Reducing mortality of children under the age of 5 from 177 per 1,000 to 90 per 1,000 between 2005 and 2015;
- Reducing mortality of children under 1 from 98 per 1,000 to 50 per 1,000 between 2005 and 2015;
- Reducing maternal mortality from 980 per 100,000 live births to 220 per 100,000 live births between 2003 and 2015;
- Maintaining the prevalence of HIV/AIDS below 1.5 per cent in 2015;
- Reducing mortality due to malaria by 40 per cent between 2005 and 2015;
- Reducing mortality due to tuberculosis by 50 per cent between 2003 and 2015; and
- Reducing the prevalence of stunted growth among children under the age of 5 from 26 per cent to 13 per cent between 2005 and 2015 (Guinea Poverty Reduction Strategy 2013).

95. With regard to civil registration, the training of civil registry agents and the establishment of local branches has brought civil registry services closer to the population and improved the registration of births and marriages; as a result, the birth registration rate has risen from 25 per cent to 47 per cent.

96. A reform to improve and modernize the civil registry system has been undertaken in the Ministry of Territorial Administration and Decentralization.

97. In the context of the implementation of the Stop Exploitative Labour and Educate Children for Tomorrow (SELECT) project financed by USAID and implemented by the Plan Guinée, ChildFund and World Education coalition, Plan Guinée initiated and conducted an awareness-raising campaign in 75 districts in three of the project's areas of activity (Faranah, Kindia and N'Zérékoré) in February and March 2011.

98. The objectives of this campaign, in which a total of 10,059 parents, community leaders and children took part, were to:

- Raise awareness among parents of the importance of birth registration;
- Provide knowledge and information to families on the appropriate steps to be taken with the authorities to obtain a birth certificate;
- Promote education, particularly for young girls;
- Help families obtain birth certificates and replacement certificates for the project's target children.

99. As a result of these activities, 2,060 children from the 75 districts obtained birth certificates and replacement certificates to serve as birth certificates.

100. On the occasion of the seventy-fifth anniversary of Plan Guinée, the NGO identified and facilitated the birth registration of 12 children born on 20 March 2012 in the urban

municipality of Guéckédou; the birth certificates were officially issued to the families concerned on 30 March 2012. Some 600 men, women and children were made aware of the importance of birth registration.

15. Any campaigns or other measures that have been taken to promote public awareness of the harmful consequences of the sale of children and child prostitution and pornography

101. The Guinean Government has made efforts to prevent trafficking in persons. It runs continuous awareness-raising campaigns on national radio and television and in communities to combat trafficking in children for the purpose of sexual exploitation. Through the National Committee to Combat Trafficking in Persons and Children, the Ministry of Social Affairs, the Advancement of Women and Children's Affairs adopted an updated national action plan to combat trafficking in persons for the period 2009-2013.

102. With funding from ChildFund Guinée, a member of the implementation coalition for the SELECT project, an awareness-raising campaign was targeted at areas where the phenomenon of child trafficking is prevalent. The campaign was run using the same activities as for the birth registration project, with the participation of 850 persons from all social classes as well as local authorities and leaders.

103. The aims of the campaign included:

- Raising awareness among local people and authorities of the phenomenon of trafficking and exploitation of children;
- Informing the public of the consequences and means of combating this scourge in communities;
- Promoting education as a means of guaranteeing children's future.

(a)

104. Through its radio programme *Finda et Alpha*, Plan Guinée has entered into a contract with local community radio stations to raise awareness among children through sketches performed by other children on the consequences of the sale of children and child prostitution, as well as other issues related to children's rights. The NGO Search for Common Ground has done the same with its sketches, which are broadcast on public and private radio and television stations.

(b)

105. Since 2004, in the area of training and awareness-raising of national actors, standardized training modules on case management have been provided by national and international NGOs, such as the International Organization for Migration and ChildFund, to build capacity among community-based organizations, families, professionals, intermediary actors, transporters, journalists, judges, criminal investigation officers, social workers and teachers on priority issues linked to child trafficking.

106. As part of its operations, between 2007 and 2009 the Unit for the Promotion and Protection of Children's Rights of the Armed Forces organized several awareness-raising sessions for members of the Defence and Security Forces posted along the borders on combating the sale and trafficking of children, with the support of the NGOs Sabou-Guinée and Save The Children-Sweden.

(c)

107. The role played by NGOs, the media, the private sector and the community, in particular children, in the design and implementation of the awareness measures described above.

108. NGOs contribute to providing support for victims, such as shelter and school and professional reintegration. Religious bodies, the media and grass-roots communities work together for the protection of children, with the support of the Government and technical and financial partners.

109. The media participate in raising public awareness through specific programmes on children's rights broadcast on various national and rural channels in Guinea. Following the liberalization of private media, several private and community radio stations have included in their programming shows, reports and interactive debates to raise awareness among the general public of the consequences of the practices covered in article 9 (2) of the Protocol.

110. The NGO Plan International, in partnership with the Ministry of Social Affairs, the Advancement of Women and Children's Affairs, celebrates the International Day of the Girl Child on 11 October each year, and uses the opportunity to submit to the Government an international report on the situation of girls. To mark the occasion, awareness-raising activities and educational talks are organized by the public and private media with the participation of children.

111. The Plan Guinée campaign "*Parce que je suis une fille*" [Because I'm a girl] aims to highlight the importance of girls breaking the intergenerational cycle of poverty. A key focus area of the campaign is education, and it advocates strongly for universal access for girls to at least nine years of quality education.

112. "Because I'm a girl" brings together girls, boys, communities and political decision makers to eliminate obstacles caused by poverty.

113. The national NGO Sabou-Guinée is very active in providing care for child victims of trafficking and building the capacity of actors working in this field.

114. The private sector contributes financially through partnerships with NGOs to prevent and combat practices prohibited under the Optional Protocol.

115. Communities that are aware of the problems linked to the sale of children and child prostitution and pornography include the addition of school and health facilities in their local development programmes.

116. The children themselves contribute through the Guinean Children's Parliament, the Consultative Council for Children and Young People and children's governments through social mobilization and advocacy at the community and decision-making levels.

(d)

117. Any steps taken to measure and evaluate the effectiveness of the measures described above, and the results obtained.

118. The population has become increasingly aware of the phenomenon of trafficking in persons following the many training sessions and awareness-raising campaigns implemented in Conakry and the regions since 2006. The involvement of community and rural radio stations in the awareness-raising programmes has contributed to enhancing knowledge among the Guinean population, particularly in rural areas, with the establishment of the aforementioned village and community structures.

V. Prohibition and related matters (arts. 3, 4 (2) and (3), 5, 6 and 7)

16. All criminal laws in force covering and defining the acts and activities enumerated in article 3 (1) of the Protocol

119. Act No. L/2008/001/AN (The Children's Code) takes into full consideration the acts and activities enumerated in article 3 (1) of the Optional Protocol in chapter II, section IV, entitled "incitement to immoral behaviour, child prostitution, child sex tourism, pornography and child pornography", and in section II on the abduction and sale of children.

(a)

120. The material elements of all such offences are set out in article 360 of the Children's Code, which reads:

"The following actions are considered to be offences and are punishable in accordance with the penalties laid down in article 359:

1. Producing child pornography with a view to distributing it by electronic means;
2. Supplying or providing child pornography by electronic means;
3. Distributing or transmitting child pornography by electronic means;
4. Obtaining child pornography for own usage or for others by electronic means;
5. Possessing child pornography in the form of electronic files or in an electronic storage system;
6. Visually representing:
 - A child engaging in sexually explicit behaviour;
 - A person appearing to be a child engaging in sexually explicit behaviour;
 - Realistic images representing a child engaging in sexually explicit behaviour."

(b)

121. The maximum and minimum penalties prescribed are: from 1 to 5 years' imprisonment and a fine of from 300,000 to 1,000,000 Guinean francs; from 2 to 5 years' imprisonment and a fine of from 200,000 to 500,000 Guinean francs if the child is under 13 years of age; a residency ban of between 5 and 10 years. Pursuant to the Children's Code, these penalties do not apply to minors.

(c)

122. The Code also sets out penalties for abducting, harbouring or concealing a child, substituting one child for another, attributing a real or imaginary child to a woman who did not give birth to the child, child trafficking, paedophilia, debauchery, the sale of children, hostage-taking, and failure to surrender a foundling to the civil registrar.

(d)

123. The Guinean Code of Criminal Procedure sets the statute of limitations for such offences at 10 years, in accordance with article 3, which reads:

"The statute of limitations is 10 years, counting from the date when the offence was committed. If the victim is a minor and the perpetrator is a legitimate, natural or

adoptive relative of the victim or a person who has authority over the victim, the statute of limitations restarts and runs again for the same duration, for the benefit of the victim, from the time when the latter reaches the age of majority.”

(e)

124. The Code of Criminal Procedure also considers the matter in articles 329 and 330, stipulating that:

“The following persons shall be considered as procuring and shall face a penalty of from 6 months to 2 years’ imprisonment and a fine of from 50,000 to 400,000 Guinean francs, without prejudice to any heavier penalties that may apply:

1. Any person who, by whatever means, knowingly provides aid, assistance or protection in the prostitution of another person or in solicitation with the intent of prostitution;
2. Any person who, by whatever means, shares in the earnings of the prostitution of another person or receives payments from a person habitually engaged in prostitution;
3. Any person who knowingly lives with a person habitually engaged in prostitution;
4. Any person who recruits, entices or retains a person, even with that person’s consent and even if the person is of legal age, for purposes of prostitution, or leads the person to prostitution or debauchery;
5. Anyone who acts as an intermediary, in whatever capacity, between persons engaging in prostitution or debauchery and the individuals taking advantage of or remunerating another’s prostitution or debauchery.”

“The penalty incurred shall be from 2 to 5 years’ imprisonment and a fine of from 100,000 to 1,000,000 Guinean francs in cases where:

1. The offence has been committed against a minor;
2. The offence has been committed through coercion, abuse of authority or deceit;
3. The perpetrator was carrying a visible or concealed weapon;
4. The perpetrator is the spouse, ascendant relative, guardian, teacher or a paid servant of the victim or of the persons designated above, a public official or a minister of religion;
5. Any person who, by means of threats, pressure, manipulation or any other means, hinders actions taken by the competent bodies to prevent, monitor, assist and re-educate persons engaged in prostitution or in danger of prostitution.”

(f)

125. Under Guinean law, the penalties applicable to attempts to commit the offences described are the same as the penalties for the offences themselves.

- 17. There is no law in Guinea that opposes the implementation of the Optional Protocol, as article 337 of the Criminal Code criminalizes the offence of human trafficking and grants jurisdiction to the assize court, which convenes on a quarterly basis. The weakness of article 337 of the Criminal Code is that it is not in compliance with the international definition of the offence in question, but instead covers only offences related to human trafficking.**

126. The Children's Code, adopted in 2008 and enacted by Act No. L/2008/011 of 19 August 2008, broke new ground. The definition of child trafficking set out in article 385 of the Code is consistent with article 3 of the Palermo Protocol. The Children's Code reduces the offence of child trafficking to a misdemeanour in certain circumstances, but also criminalizes it when it is committed under aggravating circumstances.

127. The effect of this innovation is that the lower courts in Conakry and in the regions of the country can hear cases involving the offence of child trafficking if it was committed under aggravating circumstances. This means that henceforth the Guinean justice system can prosecute perpetrators of child trafficking. The judge's inner conviction is taken into account when applying mitigating circumstances.

128. With the current reform of the justice sector, it is expected that several laws will be reviewed, including:

- The Criminal Code;
- The Civil Code;
- The Code of Civil Procedure;
- The Children's Code;
- The Code of Military Justice;
- The Code of Criminal Procedure.

- 18. As part of the review of the legal codes being undertaken by the justice system, the criminal liability of legal persons will be taken into consideration, particularly in the Children's Code.**

- 19. Chapter 4 of the Children's Code ("adoptive filiation") provides for three types of adoption, namely full adoption, simple adoption and international adoption.**

(a)

129. With regard to legislation, Act No. L/2001/021/AN of 10 December 2001 ratifying and enacting the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption reflects the Government's political will, as the Government has transferred into the Children's Code all the regulations governing the prevention and punishment of illegal adoptions.

(b)

130. There are accommodation centres that house orphans and other vulnerable children subject to the regulations set out in the procedural manual governing the opening, functioning and closure of such centres. Supervisors and managers of the centres receive training, and their work is monitored by child protection services.

(c)

131. A national commission on intercountry adoption has been established by Order No. 062/MASPFE/CAB/2013 of 8 January 2013.

132. The Ministry of Social Action, the Advancement of Women and Children's Affairs has been designated as the central authority of Guinea in accordance with article 6 of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

133. The commission on intercountry adoption is mandated to deal with issues concerning international adoption in the Republic of Guinea. Its duties include:

- Representing the central authority of the Republic of Guinea before the Permanent Bureau of the Hague Conference and the central authorities of receiving States;
- Cooperating with the central authorities of other States and providing information on legislation, on the procedures currently in force and on the functioning of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;
- Issuing guidelines on the implementation of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;
- Establishing the number of accredited adoption agencies in Guinea, depending on the needs of children available for adoption;
- Authorizing and monitoring the accredited adoption agencies and their performance of their duties;
- Providing the Permanent Bureau of the Hague Conference and the central authorities of receiving States with the names and addresses of the accredited adoption agencies authorized to operate in Guinea;
- Receiving and processing applications for adoption through the central authorities of receiving States or accredited adoption agencies;
- Issuing the certificate of compliance pursuant to article 23 of the Convention when an adoption of a child takes place in Guinea;
- Monitoring the situation of Guinean children adopted by citizens of receiving States;
- Protecting children during the adoption process;
- Taking all appropriate measures to prevent any improper financial gain in adoptions;
- Centralizing the files of children available for adoption and applicants who wish to adopt;
- Verifying the suitability of future adoptive parents from a legal, medical, psychological and social point of view, in accordance with article 140 of the Guinean Children's Code;
- Verifying whether the child is suitable for adoption pursuant to article 132 of the Guinean Children's Code and preparing a report including information about his or her identity, social environment, personal and family history, medical history including that of his or her family, and any special needs he or she may have;
- Taking the decision to authorize the adoption and informing the central authority or the accredited adoption agency in the receiving State;
- Ensuring that the future adoptive parents agree to accept the child offered up for adoption;
- Agreeing to follow up on the adoption procedure in cooperation with the authorities of the receiving State, pursuant to article 17 of the Convention;
- Verifying that the child will be authorized to enter and reside permanently in the receiving State;

- Referring the case of the child and the prospective adoptive parents to the competent court for a ruling;
- Ensuring that information is maintained in adoption files, including information about the identity of the child's biological mother and father, and the medical history of the child and his or her family.

(d)

134. Article 366 of the Children's Code stipulates that a child under 18 years of age may not leave the country without an authorization issued by the authorities of his or her place of residence and bearing the consent of the parents, guardian or other person having custody of the child.

135. Any person found guilty of abducting, harbouring or concealing a child, substituting one child for another, or attributing a real or imaginary child to a woman who did not give birth to the child, will be punished with between 5 and 10 years' imprisonment and a fine of between 250,000 and 1,500,000 Guinean francs (art. 367 of the Children's Code).

136. Article 368 of the Children's Code establishes a penalty of imprisonment for a term of between 16 days and 3 months and/or a fine of between 50,000 and 200,000 Guinean francs for any person who:

- Having been present at a birth, fails to register the birth, as required by the rules governing civil registration;
- Having found a newborn, fails to hand the child over to the registrar's office.

137. Work is currently being undertaken at the Ministry of Territorial Administration and Decentralization to improve and modernize the civil registration system.

138. The national committee to combat human trafficking, in particular of women and children is a government advisory body that comprises several State and non-State entities responsible for implementing the Palermo Protocol. It is the coordinating body for activities in that field and operates under the aegis of the Ministry of Social Action, the Advancement of Women and Children's Affairs.

139. The committee is currently undergoing reform, which consists, inter alia, of dividing the committee into action groups and decentralizing it by establishing regional branches in the capitals of the seven administrative regions.

140. With regard to civil society organizations, there is the Coalition of NGOs to Protect and Promote the Rights of the Child and to Combat Child Trafficking (COLTE/CRC), whose mandate consists in positively influencing government attitudes through advocacy for the mainstreaming of child trafficking in the national social protection policy. It has a strategic national action plan that is based on the themes set out in the document issued by the International Labour Organization (ILO) programme to combat child trafficking in West and Central Africa (LUTRENA). This five-year action plan covering the period 2011-2016 focuses on the following key areas: prevention, protection and the prosecution of perpetrators.

(e)

141. The adoption may take place without the consent of one of the parents in cases where filiation with one of the child's parents has not been established. In such cases, consent is given by means of an authentic act executed before a judge from the court where the consenting person is domiciled or resident, or before a Guinean or foreign notary, or before Guinean diplomatic or consular officials. It can also be given to the children's services once the child has been handed over to their care (art. 102 of the Children's Code).

142. Consent to adoption may be revoked at any time up to three months after the fact by means of a registered letter with acknowledgement of receipt addressed to the person or service to whom the consent to the adoption was given.

143. In the case of wards of the State whose parents have not consented to the adoption, consent is given by the wards' family council (art. 106 of the Children's Code).

(f)

144. Fees are set by the commission on intercountry adoption, which is the government body that holds authority in this regard. The commission is in the process of drafting the procedure manual for accredited adoption agencies.

20. Through Act No. L/2001/021/AN of 10 December 2001, Guinea has ratified and enacted without reservation the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

21. Laws in force, applicable sanctions, data concerning the number of prosecutions, and the effectiveness of such laws in preventing advertising for the sale of children, child prostitution and child pornography

(a)

145. The following are the laws in force prohibiting the production and dissemination of material advertising any of the offences described in the Protocol;

146. Article 360 of Act No. L/2008/011/AN (The Guinean Children's Code) reads:

“The following actions are considered to be offences and are punished in accordance with the penalties laid down in article 359:

1. Producing child pornography with a view to distributing it by electronic means;
2. Supplying or providing child pornography with a view to distributing it by electronic means;
3. Distributing or transmitting child pornography by electronic means;
4. Obtaining child pornography for oneself or for others by electronic means;
5. Possessing child pornography in the form of electronic files or in an electronic storage system;
6. Visually representing:
 - A child engaging in sexually explicit behaviour;
 - A person appearing to be a child engaging in sexually explicit behaviour;
 - Realistic images representing a child engaging in sexually explicit behaviour.”

(b)

147. Anyone found to be producing, distributing, disseminating, importing, exporting, offering, making available, selling, or obtaining for themselves or for others any material depicting, by whatever means, a child engaged in sexually explicit activities, whether real or simulated, or depicting a child's sexual organs, will be punished with between 1 and 5 years' imprisonment and a fine of between 300,000 and 1,000,000 Guinean francs (art. 359 (2) of the Children's Code).

148. The offender may also be sentenced to a residency ban of from 5 to 10 years (art. 359 (3)).

(c)

149. See the table of statistics from the Office for the Protection of Gender, Children, and Morals.

(d)

150. Various series of human rights training courses for justice officials and members of the defence and security forces help to strengthen the implementation of the various laws.

22. Article 375 of the Code of Criminal Procedure of Guinea grants this jurisdiction:

“The Criminal Court in the place where the offence was committed, in the place where the accused resides or in the place where the accused was arrested, even if the arrest was made for other reasons, has jurisdiction over the case.

The court in the place where a convicted person is detained has jurisdiction only under the conditions provided for in Title VI, Book IV, on referrals from one court to another.

The jurisdiction of the Criminal Court extends to serious offences and minor offences that are inseparable from the offence before the court; it may also extend to related serious offences and minor offences, as defined in article 208.”

23. Article 358 (2) and (3) of the Children’s Code establishes extraterritorial jurisdiction over cases involving the offences referred to in article 3 of the Protocol by stating: “If the offence referred to in the preceding paragraph is committed abroad by a Guinean national or by a person whose habitual residence is in the Republic of Guinea, Guinean law is applicable by derogation from articles 625 et seq. of the Code of Criminal Procedure. The same applies in cases where the victim is a national of the Republic of Guinea”.

24. The law, policy and practice concerning the extradition of persons accused of having committed offences referred to in article 3 of the Protocol

(a)

151. Title XVII, chapters I, II and III of the Guinean Code of Criminal Procedure provides for extradition as follows:

Article 653: “Where no relevant treaty applies, the conditions, procedures for and consequences of extradition, as well as any other aspects not expressly regulated by any such treaties, shall be determined by the provisions of the present law.”

Article 654: “No person may be handed over to a foreign Government unless he or she has been charged with or convicted of an offence under the present Code.”

Article 655: “The Guinean Government may hand over to a foreign Government, at the latter’s request, any non-Guinean person present in the territory of the Republic who is being prosecuted in the requesting State or has been convicted by a court of that State and whose sentence has become enforceable, subject to reciprocity.”

Article 656: “The following acts may give rise to extradition, whether for the purposes of requesting or granting extradition:

1. Any act subject to criminal penalties under the law of the requesting State;

2. Acts punishable by correctional penalties involving imprisonment under the law of the requesting State, when the minimum penalty under the law is at least 2 years, or, in the case of a convicted person, when the penalty imposed by the court in the requesting State is equal to, or greater than, 2 months' imprisonment.

In no circumstances will the Guinean Government grant extradition if the acts concerned are not punishable by a criminal or correctional penalty under Guinean law.

Acts constituting attempted commission of or complicity in an offence are subject to the above rules provided that they are punishable under the legislation of the requesting State and of the requested State.

If the request relates to several offences committed by the person sought and for which he or she has not yet been tried, extradition shall be granted only if the maximum aggregate penalty under the law of the requesting State for the offences is equal to, or greater than, 2 years' imprisonment.

If the person sought has previously been convicted in any country and sentenced by a final judgment to 2 months' imprisonment or more for an offence under ordinary law, extradition shall be granted in accordance with the above rules, that is, only for serious or ordinary offences, but without regard to the severity of the sentence applicable or imposed for the most recent offence.

The above provisions shall apply to offences committed by members of the military, the navy or similar bodies when they are punishable under Guinean law as offences under ordinary law.

The practices governing the handing over of sailors who have deserted shall remain unchanged.

Article 657: Extradition shall not be granted:

1. When the subject of the request is a Guinean national and was recognized as such at the time of the commission of the offence for which extradition is requested;
2. When the felony or misdemeanour is of a political nature or if the circumstances indicate that the extradition request is politically motivated. Acts committed during a rebellion or civil war by one of the parties involved in order to further its cause are extraditable only if they constitute acts of extreme barbarity or destructiveness prohibited by the laws of war and only after the civil war has ended;
3. When the felonies or misdemeanours were committed in Guinea;
4. When the crime or offence, even if committed outside Guinea, has been prosecuted and a final judgment issued;
5. When, according to the laws of the requesting State or the requested State, the time limit for bringing an action has passed before the extradition request is served, or the time limit for the enforcement of the sentence has passed before the arrest of the individual whose extradition is requested and, generally, whenever the prosecution is statute-barred.

Article 658: If, for a single offence, extradition is simultaneously requested by several States, it shall preferably be granted to the State whose interests were targeted by the offence or the State on whose territory it was committed.

If the competing requests are in relation to different offences, when determining priority consideration shall be given to all the circumstances of the cases, particularly the relative seriousness of the offences and the places where they were committed, the dates of the requests, and the commitments undertaken by the requesting States to carry out the extradition.

Article 659: Subject to the exceptions listed below, extradition shall be granted only on the condition that the person extradited shall not be prosecuted or punished for any offence other than that giving rise to extradition.

Article 660: In cases where a foreigner is prosecuted or has been sentenced in Guinea, and/or the Government of Guinea has received a request for the foreigner's extradition for a different offence, the surrender shall be carried out only after the prosecution has been completed, and, in the event of a conviction, after the sentence has been served.

This provision does not, however, prevent the foreigner from being sent temporarily to appear before the courts of the requesting State, under the express condition that he or she will be returned as soon as the foreign court has issued a ruling.

The provisions of this article govern cases in which the foreigner is subjected to physical detention in application of articles 793 to 804 of the Code of Criminal Procedure.

Article 661: Any request for extradition shall be transmitted to the Guinean Government through diplomatic channels and accompanied by a judgment or sentence, even by default or in absentia, by a procedural document formally declaring or automatically giving rise to the referral of the accused to a criminal court or by an arrest warrant or any other document with the same force and issued by the judicial authority, provided that these documents clearly state the act in respect of which they are issued and the date on which it occurred.

Original or certified copies of the above documents must be provided. The requesting Government must include at the same time a copy of the legislation applicable to the criminal act. It may attach a statement of the facts of the case.

Article 662: After verification of its contents, the extradition request shall be transmitted with the case file by the Minister for Foreign Affairs to the Minister of Justice, who shall consider the legality of the request and act on it in accordance with the law.

Article 663: Within 24 hours of the arrest, the arrested individual shall be questioned as to his or her identity by the Public Prosecutor or a member of the Public Prosecutor's Office; a record of the interrogation shall be drawn up.

Article 664: The foreign national shall be transferred as soon as possible and placed in custody in the public jail of the seat of the Court of Appeal within whose territorial jurisdiction he or she was arrested.

Article 665: The documents in support of the request for extradition shall be simultaneously transmitted by the Public Prosecutor to the Attorney-General. Within 24 hours of the receipt of the documents, the foreign national shall be informed of the charge as a result of which the arrest will take place.

The Attorney-General, or a member of his or her office, shall conduct an examination, of which a record is drawn up, to establish his or her identity within 24 hours.

Article 666: The indictments chamber shall be provided immediately with the aforementioned records and all other documents. The foreign national shall appear before the chamber within no more than eight days of the provision of the documents. At the request of the Public Prosecutor's Office or the person appearing before the court, a further period of eight days may be granted before proceedings begin. An examination, of which a record is to be drawn up, shall then be conducted.

The hearing shall be public, unless otherwise decided, at the request of the Public Prosecutor's Office or the person appearing before the court.

The prosecution and the defendant shall be heard. The latter may be assisted by counsel and an interpreter. The defendant may be released on bail at any stage of the proceedings in accordance with the provisions of the law.

Article 667: If, during his or her appearance, the person concerned states that he or she wishes not to avail him- or herself of the benefit of this Act and formally agrees to be handed over to the requesting State, the court shall acknowledge that statement in writing.

A copy of the decision shall be transmitted without delay by the Attorney-General to the Minister of Justice for appropriate action.

Article 668: Otherwise, the indictments chamber shall issue a reasoned ruling on the extradition request.

This ruling shall be negative if the Court considers that the legal requirements have not been met, or that there is an obvious error.

The case file must be sent to the Minister of Justice within eight days of the date of expiration of the time limits established in article 666.

Article 669: If the reasoned opinion of the indictments chamber rejects the request for extradition, it cannot be granted.

Article 670: Otherwise, the extradition may be authorized by decree. If, within one month of notification of this act, the extradited person has not been received by officials of the requesting State, he or she shall be released and cannot be sought for the same cause.

Article 671: Upon confirmation and based on a direct request issued by the judicial authorities of the requesting State, the State prosecutors may order the preventive detention of a foreigner upon being informed, via mail or via a faster means of communication that leaves a written impression, or physical equivalent, of the existence of evidence mentioned in article 661.

A regular notice of the request shall be transmitted simultaneously through diplomatic channels, by post, by telegraph or by any means of communication that leaves a written record, to the Ministry of Foreign Affairs.

The State prosecutors must notify the Ministry of Justice and the Prosecutor General of the detention.

Article 672: A person placed in temporary custody under the conditions set out in article 664 may be released if there is no justification for deporting the person, and if the Government of Guinea does not receive one of the documents mentioned in article 661 within 20 days after the arrest, in cases where the arrest was made at the request of the Government of a neighbouring country.

Article 673: The extradited person shall not be prosecuted or punished for an offence committed before his or her surrender to the requesting country, other than that giving rise to extradition.

One exception is in cases where special consent is given under the following conditions by the requested Government. Such consent may be given by the Guinean Government even if the act leading to the request is not classified as an offence under article 656 of the present Code.

Article 674: In cases where the requesting Government asks for authorization to prosecute an individual who has already been handed over to it for an offence committed prior to extradition, the indictment chamber before which the accused had appeared may issue an opinion once documentation supporting the new request has been submitted.

Documents containing the observations of the person surrendered, or a statement indicating that the person does not intend to submit any observations, are also to be transmitted by the foreign Government and submitted to the indictments chamber. The person's arguments may be supplemented by a lawyer who is chosen by the person or who is assigned or appointed ex officio.

Article 675: An extradition obtained by the Government of Guinea shall be null and void if it takes place in circumstances other than those provided for in the present Code.

It may even be revoked ex officio, by the investigating or trial court that has jurisdiction over the extradited person, after he or she has been handed over to another State.

If extradition has been granted pursuant to a final judgment, it is revoked by the Indictment Division of the court within whose jurisdiction the extradition has taken place.

A petition for a declaration of nullity is admissible only if made by the extradited person within three days of the notice of default served him or her immediately upon imprisonment by the State prosecutor.

The extradited person shall be informed at the same time of his or her right to choose a lawyer or to be appointed one.

Article 676: The same courts judge the legal characterization of the events that gave rise to the extradition request.

Article 677: In cases where extradition is declared null and void, if the extradited person is not wanted by the requested Government, he or she shall be released and cannot be taken into custody, whether for the acts that gave rise to the extradition or for previous acts, unless the person is arrested in Guinea within 30 days of his or her release.

Article 678: An individual who has been handed over to a State and who had the opportunity to leave that State within 30 days from the date when he or she was definitively released is considered to be subject to the laws of the requesting State, without any reservation, in respect of any acts committed prior to extradition other than the offence that gave rise to the extradition.

Article 679: In cases where the Government of Guinea obtains the extradition of a foreigner, and the Government of a third country requests that the Government of Guinea extradite the same person for an act committed prior to extradition that is different from and not connected with the act for which the person was tried in Guinea, the Government shall not agree to that request, if appropriate, unless it has secured the consent of the country that initially granted the extradition.

However, this reservation shall not apply if the extradited person had the right to leave Guinean territory within the time limit established in the preceding article.

(b)

152. In Guinea, extradition is conditional on the existence of treaties but also on matters that may not have been covered by such treaties. This means at the same time that by ratifying the Optional Protocol Guinea has committed to accepting requests for extradition in the absence of a treaty when offences covered by the Optional Protocol are involved.

(c)

153. Since its ratification of the Optional Protocol, Guinea has not entered into or negotiated any treaty on extradition. Guinea is, however, a State party to the Economic

Community of West African States (ECOWAS) Convention on Mutual Assistance in Criminal Matters, adopted in 1992 in Dakar, and the Economic Community of West African States Convention on Extradition, adopted in Abuja in 1994.

(d)

154. Since the entry into force of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, Guinea has not received any requests for the extradition of a person subject to its jurisdiction who has been accused by another State of offences prohibited under the Protocol.

(e)

155. See reply to paragraph 24 (d).

(f)

156. The same is true of requests for extradition by another State of a person accused of offences referred to in the Optional Protocol.

(g)

157. Apart from the provisions of the Code of Criminal Procedure concerning extradition, the 1992 ECOWAS Convention on Mutual Legal Assistance in Criminal Matters and the 1994 ECOWAS Convention on Extradition, no new legal regulations on extradition have been introduced into Guinean legislation. The Optional Protocol on the sale of children, child prostitution and child pornography does, however, constitute a legal basis in relevant cases.

25. Guinea is a State party to two multilateral agreements on cooperation in the fight against human trafficking and two conventions on mutual legal assistance and extradition, which allow Guinea to cooperate in matters involving offences covered by the Optional Protocol.

26. Law, policy and practice in the State party

(a)

158. In practice, the Ministry of Justice and the Office for the Protection of Gender, Children, and Morals are the bodies responsible for the seizure and confiscation of materials and goods.

(b)

159. See reply given in subparagraph (a) above.

(c)

160. The Office for the Protection of Gender, Children, and Morals and the Ministry of Justice are also responsible for the closure of premises used to commit such offences. Guinea does not have any experience to report under article 7 of the Optional Protocol.

VI. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

27. **The Guinean Children’s Code, in Chapter IV, Paragraph II, entitled “protection of victims and witnesses”, (arts. 392, 394, 395 and 396), sets out a series of measures to protect the identity and privacy of victims and witnesses involved in proceedings.**

28. **Article 391 of the Code provides that:**

“The search for and confirmation of an offence under this section are governed by the Code of Criminal Procedure, subject to the provisions that follow. Visits, searches and seizures may be carried out by day or by night in premises where victims are thought to be kept or those thought to be used in preparation for the commission of offences covered by this section. Audio, video or other electronic recordings, are admissible.”

29. **See reply to paragraph 27.**

30. **See reply to paragraph 28.**

31. **Legal and psychological training for persons dealing with child victims**

161. In 2010, the national committee to combat human trafficking, with support from its partners, held psychosocial training sessions and meetings to raise awareness of the Guinean Children’s Code among the staff of courts and police stations located in urban areas in Conakry (magistrates and criminal police officers, social workers and partner organizations) in the seven administrative regions of the country.

32. **The Constitution of May 2010, in article 10, guarantees the exercise of fundamental rights and freedoms by all citizens. In particular, all citizens are granted the right to participate in demonstrations and processions as well as the right to form associations and unions to collectively exercise their rights and carry out activities in the political, economic, social and cultural domains.**

162. Articles 106 to 122 of the Criminal Code regulate the exercise of the freedom to participate in demonstrations and processions and lay down penalties for persons found guilty of indictable offences in connection with such events.

163. The establishment in 2012 of the Ministry of Human Rights and Public Liberties is a further indication of the Government’s political will.

164. In practice, despite some difficulties, the Government is making significant efforts to promote the exercise of these freedoms.

33. **Article 9 of the Constitution reads as follows:**

“No one may be arrested, detained or convicted other than under a law promulgated prior to the commission of the acts of which he or she is accused, and for the reasons and in accordance with the procedures prescribed by law.

All persons have the indefeasible right to appear before a judge in order to assert their rights against the State and its representatives.

All persons accused of a crime shall be presumed innocent until proven guilty according to law in a lawfully conducted procedure.

All persons have the right to a just and fair trial in which their right to defend themselves is guaranteed.

The right to legal counsel shall be recognized from the moment of arrest or detention.

The law shall establish penalties that are necessary and proportionate to the offences for which they may be imposed.”

165. In practice, some difficulties have arisen in the implementation of article 10 of the Constitution, due to shortcomings of the judicial system. Since 2010, the Government, through its extensive reform of the security sector, has made significant efforts to address identified shortcomings. In particular, the new sectoral policy on justice reform, approved by the Head of State on 14 July 2014, addresses all the difficulties in relation to justice that were identified during the assessment of the security sector carried out in 2010 with the support of ECOWAS, the African Union and the United Nations.

34. Establishment of the Guinean Child Protection System; development of capacity-building tools for members of grass-roots organizations, families and intermediaries, and introduction of social responsibility clauses that provide for royalties to be paid annually to local communities in mining contracts.

166. Among the actions taken to assist child victims of practices prohibited under the Optional Protocol and to ensure their social reintegration, the intervention programmes conducted by the NGOs Sabou Guinée, ChildFund and Plan Guinée have a major impact throughout the country. It is important to note, however, that these programmes are not exclusively for child victims of sale, child prostitution or child pornography. For example, Sabou Guinée and its partners carry out programmes for the social and occupational reintegration of children in difficult situations, including those covered by the Optional Protocol.

35. One of the obligations under the bilateral and multilateral agreements on cooperation in the fight against child trafficking signed between Guinea and West African countries in 2005 and 2006 consists in facilitating the return of child victims under the best possible conditions and as quickly as possible, including by registering them in the civil registry or restoring fundamental aspects of their identity, including their name, nationality and parentage.

167. There are no major obstacles to this action in practice. The establishment of a national child protection chain facilitates collaboration between the various stakeholders involved in the return and reintegration of children covered by the Optional Protocol. Also, the signature of these agreements has facilitated satisfactory cooperation in this field between the Guinean security services and those of other countries.

36. Measures taken by the State party to help children recover their identity

168. The West African Child Protection Network facilitates coordination among the national child protection systems of West African countries. It provides the framework and tools for ensuring that high-quality, cross-border care for children in need of reintegration is provided by the destination country and the country of origin, or even a third country. Since this programme began, no difficulties have been encountered in identifying all the children and their countries of origin. In practice, the NGO Sabou Guinée conducts a search for the child’s family, involving the child and his or her family members from the outset in the return and reintegration process, in collaboration with the relevant authorities of the countries concerned.

169. Bilateral and multilateral agreements on cooperation in the fight against trafficking in persons, particularly children, constitute mechanisms for mutual assistance between Guinea and Mali, on the one hand, and between the countries of West and Central Africa on the other hand, aimed at the rehabilitation of child victims, their reintegration into their families and the restoration of their identity. Thus, all children receive the same treatment regardless of their nationality.

37. Existing remedies and procedures available to victims

170. Remedies for this purpose may be accessed through the courts. Article 6 of the Code of Criminal Procedure reads as follows:

“Civil proceedings may be brought by any person injured by a criminal offence. They are available to anyone who has personally suffered harm caused by a serious offence, ordinary offence or minor offence.

The civil proceedings may be conducted alongside the criminal proceedings and before the same court, against the accused or his or her representatives.

They may also be brought separately from criminal proceedings. In such cases, the proceedings are postponed until a final judgment has been issued in the criminal proceedings.”

171. In accordance with articles 391 to 396 of the Children’s Code, the child trafficking victim’s right to compensation is subject to the prior establishment of the criminal liability of those who exploited the child. However, article 395 of the Children’s Code grants child trafficking victims who are in a particularly vulnerable situation the right to assistance before examining magistrates and trial courts by a lawyer of their choice or by one who has been appointed *ex officio*.

172. Pursuant to article 396 (3) of the Children’s Code, child trafficking victims are entitled to social care and to legal representation by associations, NGOs, organizations or public services that provide for their care.

173. The specific offence of child trafficking as defined in articles 385 and 386 of the Children’s Code is classified as a criminal offence. The reason for this was to avoid the recurring difficulties involved in organizing sessions of the assize court. In practice, difficulties were encountered in the implementation of these provisions. Several cases of trafficking, sale and exploitation of children are pending before the courts, but no sentences have yet been handed down in recent years.

VII. International assistance and cooperation**38. Bilateral, multilateral and regional agreements****(a)**

174. With regard to cooperation in the fight against trafficking in women and children, Guinea is a signatory to three subregional and regional agreements, namely:

- The bilateral cooperation agreement between Guinea and Mali to combat trafficking in children, signed on 16 June 2005;
- The multilateral cooperation agreement to combat child trafficking between Guinea and nine other States in the subregion, namely: Benin, Côte d’Ivoire, Liberia, Burkina Faso, Niger, Mali, Togo, Nigeria and Sierra Leone, signed on 25 July 2005;
- The multilateral cooperation agreement to combat trafficking in women and children in West and Central Africa, signed on 6 July 2006.

(b)

175. A standing committee has been established to monitor the implementation of the bilateral agreement. This committee comprises 16 experts who meet annually in one of the signatory countries to assess implementation. Thus the Government of Guinea and a team of experts attended a meeting held in Abidjan, Côte d’Ivoire, to review the multilateral cooperation agreement to combat the cross-border trafficking of children, and one held in

Bamako, Mali, from 4 to 6 September 2010 to review the bilateral cooperation agreement between Guinea and Mali to combat the cross-border trafficking of children.

(c)

176. Country reports are drafted and shared, and patrols are carried out along the borders to identify child trafficking victims as well as perpetrators. Transport workers' unions and communities are involved in the fight against child trafficking. The lack of resources and the sociopolitical instability of some member countries do, however, hinder the effective implementation of these agreements.

39. The bilateral and multilateral agreements signed between Guinea and Mali and between Guinea and other ECOWAS countries to combat child trafficking contain provisions that stipulate that:

- The child must be returned to his or her country of origin as quickly as possible and under the best possible conditions;
- The child must be registered in the civil registry;
- Child trafficking victims' communities of origin must be involved in their care and reintegration;
- Child traffickers must be prosecuted;
- A system must be established for managing, repatriating, protecting and reintegrating child victims of trafficking;
- Child victims must be repatriated with support from partners;
- Perpetrators of attempted trafficking and their accomplices must contribute to the care of the children, without prejudice to judicial proceedings;
- The areas of origin and transit and the routes taken must be identified, and child trafficking networks must be disbanded.

40. Cooperation to assist the physical and psychological recovery, social reintegration and repatriation of child victims

177. Aware of the need to take action, West African countries have decided to unite and work together to improve the care provided to children. Since 2005, operational cooperation between three countries in the subregion has gradually developed into a regional action network comprising 12 countries, which then expanded to cover all 15 ECOWAS member countries in 2012.

178. The main mission of the West African Child Protection Network launched by the Swiss Foundation of the International Social Service is the transnational protection of children and young migrants who are in difficult situations, with a view to completing their social reintegration, while helping them to create a future for themselves.

179. To achieve this, the Network develops regional cooperation mechanisms between State entities and civil society organizations in ECOWAS countries. The key principles of this cooperation consist of the use of social networks, and the sharing of human, material and financial resources among States, civil society and international partners.

180. The Network is a working tool available to West African countries that facilitates coordination among national child protection systems. It provides the framework and instruments for ensuring that high-quality, cross-border care for children in need of reintegration is provided by the destination country and the country of origin, or even a third country.

181. The Network's first criterion for intervention is that the child or young migrant must be in a vulnerable situation. Through cooperation mechanisms established between stakeholders, the Network can conduct assessments of families' social situations, which is a necessary precondition for the return of children to their community of origin.

182. The support procedure developed and the standards proposed are based on the practices of countries of the subregion and on the experience gained through the reintegration of nearly 2,000 children since 2005.

183. The methodology was developed through regional capacity-building sessions for stakeholders and through regional meetings of members of the West African Child Protection Network (authorities and NGOs) as well as through an initiative by Senegal, supported by the United Nations Children's Fund (UNICEF), to develop minimum standards of care for children in vulnerable situations in three departments: Guédiawaye, Kolda and Ziguinchor. Thus, the proposed standards cover vulnerable situations faced by children not only during their migration or after they have reached their destination, but also in their community of origin or in the community in which they reintegrate.

184. Aimed at supporting professionals in their daily tasks, this methodology is intended to be a practical tool that enables professionals to listen to and work with children while ensuring their participation so that they can develop their own solutions. Lastly, it emphasizes the responsibility and duty of all stakeholders in society, including families, communities, teachers, traditional or religious authorities, entrepreneurs, NGOs and the State, to ensure the well-being of children.

185. The procedure includes eight stages for the support of children, ranging from identifying and protecting them to monitoring their reintegration and including strengthening their families' socioeconomic capacity. Standards have been developed for each stage to ensure high-quality care (Source: West African Child Protection Network support procedure).

186. Between 2005 and 2013, national stakeholders involved in this aspect of child protection attended several training programmes in Guinea and in other countries, including training on combating the trafficking and exploitation of children and on protecting children who are on the move.

- 41. With a view to achieving the Millennium Development Goals, the Republic of Guinea, with support from its technical and financial partners, has developed a poverty reduction strategy paper. Several partners provide support in areas such as health and education to assist in the implementation of this strategy (DSRPIII 2013-2015). This is in addition to the Five-Year Development Plan for 2011-2015.**

VIII. Other legal provisions

- 42. All provisions of international legislation in force, all provisions of international law binding on the State party, and the status of ratification of the main international instruments related to the Optional Protocol**

(a)

187. The Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

(b)

188. Guinea is a party to the following international legal instruments: the Convention on the Rights of the Child; the African Charter on the Rights and Welfare of the Child; the

Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; the Convention on the Civil Aspects of International Child Abduction; the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the African Charter on Human and Peoples' Rights. These treaties are broader in scope than the Optional Protocol and are thus more conducive to the realization of the rights of the child.

(c)

189. Guinea has also ratified the following international legal instruments to which it is a party:

- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified by the National Assembly through Act No. L2001/022/AN of 10 December 2001;
- The Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, ratified by the National Assembly through Act No. L2001/021/AN of 10 December 2001;
- The ILO Minimum Age Convention, 1973 (No. 138);
- The Convention on the Civil Aspects of International Child Abduction, acceded to through an instrument of accession on 25 October 2011;
- The bilateral agreement between Guinea and Mali to combat child trafficking, signed on 16 June 2005;
- The multilateral agreement between Guinea and eight other countries in the West African subregion, signed on 18 July 2005.

190. Regional commitments made by Guinea in this area have made it possible not only to establish a child protection chain to help identify and intercept child victims, perpetrators and accomplices, but also to establish a regulatory framework for international adoption.

Conclusion

191. Guinea is a party to the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which was ratified on 10 December 2001 through Act No. L/2001/024/AN of 10 December 2001 and entered into force in 2011 following the deposit of the instrument of ratification. It is now being implemented at a time of renewal involving the reform of the justice sector, the review of certain provisions of the Children's Code, and the review of the country's children's policy.

192. It may be noted that a great deal of effort has gone into promoting the rights of the child in connection with the Optional Protocol, including the establishment of a national committee to combat human trafficking, with a national action plan, as well as an NGO coalition to combat child trafficking.

193. Thus the Government's commitment to reform the justice sector and to review the national children's policy and certain provisions of the Guinean Children's Code will undoubtedly make it possible to establish a comprehensive children's policy and to take into account aspects related to relevant provisions of the Optional Protocol.

194. With regard to future prospects, Guinea will continue, with the support of its partners, to disseminate the Optional Protocol at the national level by organizing awareness-raising and capacity-building sessions for all the stakeholders concerned.

Annex

Annual statistics on adoption by State of origin — State: Guinea — Year: 2012

| State 4 | Total number of adoptions carried out | Age and sex of the child at the time of adoption 10 | | | | | | | | Number of adoptions of children with special needs 11 | Situation of the child prior to adoption 12 | | |
|---|---------------------------------------|---|----------|-----------|-----------|----------|-----------|----------|----------|---|---|-------------|-------------------|
| | | < 1 | | 1-4 | | 5-9 | | 10 > | | | Institution | Foster care | Biological family |
| | | M | F | M | F | M | F | M | F | | | | |
| Canada | 3 | | | | | 1 | 2 | | | | | | |
| Belgium | 1 | | | | | | | | | | | x | |
| France | 38 | 2 | 2 | 13 | 10 | 2 | 9 | | | | | x | |
| United States of America | 1 | | | | | 1 | | | x | x | | | x |
| Total number of intercountry adoptions | 43 | 2 | 2 | 13 | 10 | 4 | 11 | - | 1 | | | | |
| Total number of national adoptions | 3 | 1 | 2 | - | - | - | - | - | | | | | |
| Overall total number of adoptions | 46 | 3 | 4 | 13 | 10 | 4 | 11 | - | 1 | | | | |

Annual statistics on adoption by State of origin — State: Guinea — Year: 2013

| State 6 | Total number of adoptions carried out | Age and sex of the child at the time of adoption 10 | | | | | | | | Number of adoptions of children with special needs 11 | Situation of the child prior to adoption 12 | | |
|---|---------------------------------------|---|---|-----|---|-----|---|------|---|---|---|-------------|-------------------|
| | | < 1 | | 1-4 | | 5-9 | | 10 > | | | Institution | Foster care | Biological family |
| | | M | F | M | F | M | F | M | F | | | | |
| France | 14 | 7 | 2 | 2 | 2 | | | | 1 | | | x | |
| Canada | 2 | | | | 1 | | | | 1 | | | | |
| United States | 4 | | | 3 | 1 | | | | | | | | |
| Sweden | 2 | | | | | 1 | 1 | 1 | | | | | |
| Austria | | | | | | | 1 | | | | | | |
| Belgium | 1 | | | 1 | 1 | | | | | | | | |
| Total number of intercountry adoptions | 25 | | | | | | | | | | | | |

| <i>State 6</i> | Total number of adoptions carried out | <i>Age and sex of the child at the time of adoption 10</i> | | | | | | | | <i>Number of adoptions of children with special needs</i> 11 | <i>Situation of the child prior to adoption 12</i> | | |
|---|--|--|----------|------------|----------|------------|----------|----------------|----------|---|--|--------------------|--------------------------|
| | | <i>< 1</i> | | <i>1-4</i> | | <i>5-9</i> | | <i>10 ></i> | | | <i>Institution</i> | <i>Foster care</i> | <i>Biological family</i> |
| | | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | | | | |
| Total number of national adoptions | 05 | | | 2 | 3 | | | | | | | | |
| Overall total number of adoptions | 30 | 7 | 2 | 8 | 8 | 2 | 1 | 2 | | | | | |

Annual statistics on adoption by State of origin — State: Guinea — Year: 2014

| <i>State 4</i> | Total number of adoptions carried out | <i>Age and sex of the child at the time of adoption 10</i> | | | | | | | | <i>Number of adoptions of children with special needs</i> 11 | <i>Situation of the child prior to adoption 12</i> | | |
|---|--|--|----------|------------|----------|------------|----------|----------------|----------|---|--|--------------------|--------------------------|
| | | <i>< 1</i> | | <i>1-4</i> | | <i>5-9</i> | | <i>10 ></i> | | | <i>Institution</i> | <i>Foster care</i> | <i>Biological family</i> |
| | | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | <i>M</i> | <i>F</i> | | | | |
| France | 2 | 1 | | 1 | 1 | | | | | | | x | |
| United States | 1 | | | 1 | 1 | | | | | | | x | |
| Belgium | 2 | | | 2 | | | | | | | | x | |
| Canada | 2 | | | | | | | | | | | x | |
| Total number of intercountry adoptions | 7 | | | 4 | 3 | | | | | | | x | |
| Total number of national adoptions | 7 | | | | | | | | | | | | |
| Overall total number of adoptions | 14 | 1 | | 5 | 7 | 1 | | | | | | | |