



# Convention on the Rights of the Child

Distr.: General  
13 June 2013

Original: English

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## Committee on the Rights of the Child

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

1. The Committee considered the second periodic report of Guinea (CRC/C/GIN/2) at its 1764th and 1765th meetings (see CRC/C/SR.1764 and CRC/C/SR.1765) held on 18 January 2013, and adopted, at its 1784th meeting, held on 1 February 2013, the following concluding observations.

#### I. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party (CRC/C/GIN/2) and the written reply to its list of issues (CRC/C/GIN/Q/2/Add.1), which allowed for a better understanding of the situation in the State party. However, the Committee regrets that the report which was due for submission in 1997 was submitted in 2009. The Committee expresses appreciation for the constructive and frank dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes as positive the adoption of the following legislative measures:

- (a) Law L/2008/011/AN of 19 August 2008 on the Children's Code; and
- (b) Law L010/AN/2000 of 10 July 2000 on reproductive health, which also prohibits all forms of mutilation (FGM).

4. The Committee welcomes the fact that a de facto moratorium on the death penalty has been observed since 2002, but encourages the State party to consider formally abolishing it.

5. The Committee also welcomes the ratification of or accession to:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in November 2011;
- (b) The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in November 2011;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in February 2008;

(d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in November 2004;

(e) The International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, in June 2003;

(f) ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in June 2003;

(g) The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption, in December 2001; and

(h) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in September 2000.

6. The Committee also welcomes:

(a) The establishment of a National Direction for Civil Status, in 2011;

(b) The creation of the National Observatory for Democracy and Human Rights, in 2008.

7. The Committee notes as positive the signature of a Host Country Agreement between the Office of the High Commissioner for Human Rights (OHCHR) and the State party on 4 May 2010, relating to the establishment of a country office in Guinea.

### **III Factors and difficulties impeding the implementation of the Convention**

8. The Committee notes that the State party has been in a long transition period of political instability, lack of security, and reports of human rights violations until September 2009. This has negatively impacted the development and implementation of legislation, policy and programmes for children. However, the Committee reminds the State party of the continuity of international human rights obligations, and of its primary responsibility to take all appropriate measures to respect and protect the rights set forth in the Convention regardless of political disputes or leadership structure.

### **IV Main areas of concerns and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

9. The Committee, while welcoming the State party's efforts to implement the concluding observations of 1999 on the State party's initial report (CRC/C/15/Add.100), notes with regret that a number of its concerns and recommendations contained therein have not been fully addressed.

10. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial report under the Convention (CRC/C/15/Add.100) that have not been implemented or sufficiently**

**implemented, particularly in relation to coordination, dissemination and training, allocation of resources, independent monitoring, education, health, children in street situations, child labour, and juvenile justice and to provide adequate follow-up to the recommendations contained in the present concluding observations.**

### **Legislation**

11. The Committee notes with appreciation the adoption of the Children's Code in 2008, which intends to harmonize the national legislation with the provisions of the Convention. The Committee is however concerned about:

(a) The existence of a plural legal system which includes customary law that results in discrimination particularly against girls and encourages harmful practices;

(b) The fact that many provisions remain unclear and in some cases contradict others within the Code itself or other civil, penal or administrative provisions;

(c) The persisting discrimination in the Children's Code on the grounds of the parents' marital status at birth; and

(d) The limited knowledge of the law by both the general population and law enforcement authorities which results in a high level of impunity for child rights violations.

12. **The Committee recommends that the State party:**

(a) **Ensure that in case of conflict, positive law and the Children's Code prevail over all statutory and customary legislation and discourage their application;**

(b) **Review all domestic legislation and bring it in full conformity with the principles and provisions of the Convention;**

(c) **Amend provisions of the Children's Code which contradict themselves, and which discriminate against children born out of wedlock; and**

(d) **Take appropriate measures to ensure that law enforcement authorities as well as the general population be informed of new laws, in particular those that relate to children's rights.**

### **Comprehensive policy and strategy**

13. While noting the 2006 National Strategy for the Elimination of Harmful Practices and the 2007 National Policy for Pre-school Education and Child Protection, the Committee is concerned at the lack of a comprehensive national policy on children which would incorporate all the sectoral policies and strategies. The Committee is further concerned at the lack of national awareness and information on resources allocated to implement the above-mentioned strategies and the general lack of awareness about their existence and content.

14. **The Committee urges the State party to develop a comprehensive policy on children for the overall realization of the principles and provisions of the Convention in consultation with relevant service providers, administrators, civil society as well as parents, children themselves, including communities and religious leaders. The Committee further urges the State party to strengthen the coordination of plans, programmes and policies to support the implementation of the Convention and allocating sufficient human, technical and financial resources for effective implementation.**

### Coordination

15. While the Committee notes the existence of the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child designated to be the coordinating body and to improve coordination between governmental bodies and civil society in implementing the Convention, the Committee on the Rights of the Child is however concerned that this Committee lacks a clear mandate, the necessary authority and resources to effectively carry out its role. The Committee also regrets that despite the existence of the Local Protection Committees for Childhood and Families at local level, coordination between central and local communities remains inadequate due mainly to the absence of formal protocols between coordinating actors in the child welfare sector and to persisting conflicts of competencies in relation to the implementation of its decentralization policy.

**16. In the light of its General Comment No. 5 on general measures of implementation of the Convention (CRC/GC/2003/5), the Committee recommends that the State party reform the Guinean Committee for Monitoring, Protection and Defence of the Rights of the Child, review its status and mandate and provide it with sufficient authority, and adequate human, technical and financial resources to effectively coordinate action for children's rights across different sectors at all levels. The Committee also recommends that the State party clarify the roles and responsibilities in the implementation of its decentralization policy and adopt clear protocols of cooperation between coordinating actors in the sector of child welfare at central and local levels.**

### Allocation of resources

17. The Committee expresses concern that allocations to the health sector represent 4.2 per cent of the national budget and that allocation to the education sector is a mere 1.4 per cent of the State party's gross domestic product (GDP). The Committee is also concerned about the lack of specific information on budget allocations for the implementation of the Convention. The Committee is further concerned that the State party does not define specific budgetary allocations for the provision of critical social services to children, including those in the most vulnerable situations.

**18. In the light of the recommendations resulting from its 2007 day of general discussion on resources for the rights of the child – responsibility of States (art. 4 of the Convention), the Committee recommends that the State party review its national and international commitments in favour of childhood, with a budgeting of necessary investments to achieve commitments made. In particular, the Committee urges the State party to:**

**(a) Increase the level of financial resources allocated for the implementation of the Convention. In this regard, the Committee urges the State party to allocate more resources for social protection policies and programmes, including for child protection;**

**(b) Develop capacities to utilize a children's rights-based approach in the elaboration of the national budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment in children;**

**(c) Ensure transparent and participatory budgeting processes through public dialogue, especially involving children, where possible; and**

**(d) Define strategic budgetary lines for socially and economically disadvantaged and marginalized children, especially children with disabilities,**

**children living in street situations, and children living in remote areas that remain protected even in situations of economic crisis, natural disasters or other emergencies.**

#### **Corruption**

19. The Committee notes the efforts made by the present administration to fight corruption; however, it is concerned that corruption remains pervasive in the State party and continues to divert resources that could enhance the implementation of the rights of the child.

**20. The Committee urges the State party to take immediate and more effective measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption.**

#### **Data collection**

21. The Committee notes that the Unit designated to collect data on children will be upgraded to a Division and will get more resources in the future to carry out its work. However, the Committee remains concerned at the absence of a central data collection system covering all areas of the Convention and about the limited data available on the enjoyment of children's rights, notably disaggregated statistics on child protection, children in street situations, children in situations of exploitation, and children in rural areas, internally displaced children and refugees.

**22. The Committee reiterates its recommendation (CRC/C/15/Add. 100, para. 10) that the State party develop a comprehensive system of collecting disaggregated data with the support of its partners and to analyse the data collected as a basis for assessing progress achieved in the realization of child rights and to help design policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis on the situation of all children.**

#### **Independent monitoring**

23. The Committee is concerned by the absence of a functional independent national human rights institution in the State party to monitor the complete realization of all the rights enshrined in the Convention.

**24. In the light of its General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee recommends that the State party increase its efforts towards effectively setting up an independent and impartial national human rights institution that would comply with the Paris Principles and provide it with the necessary human, technical and financial resources to effectively fulfil its mandate taking into account all rights enshrined in the Convention. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF) and OHCHR.**

#### **Dissemination and awareness-raising**

25. The Committee expresses its concern that knowledge of children rights remains limited, especially among children, families, in rural areas, and the public at large due mainly to the high level of illiteracy and the lack of systematic dissemination of the Convention. The Committee is also concerned that the Convention has not been translated in all local languages.

26. **The Committee urges the State party to take more active measures to systematically disseminate and promote the Convention taking into account the high level of illiteracy through oral, written or artistic awareness-raising programmes, across the State party, in particular in rural areas. In this respect, the Committee encourages the State party to provide the necessary human, financial and technical resources to that effect and to ensure the translation of the Convention in local languages.**

#### **Training**

27. While welcoming the fact that training modules on the Convention are available for social workers, the Committee regrets that such training does not reach all the other professionals working with or for children, especially teachers.

28. **The Committee recommends that all professional groups working for and with children be adequately and systematically trained on children's rights, in particular law enforcement officials, teachers, health workers, social workers, religious leaders and personnel working in all forms of alternative care. The Committee also recommends that the State party take into account the principles of the World Programme for Human Rights Education (WPHRE) in the design of policies and strategies, with a particular focus on the integration of human rights education in the primary and secondary school systems. Efforts should also be made in line with the second phase of WPHRE (2010-2014) focused on "human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels".**

#### **Cooperation with civil society**

29. The Committee welcomes the fact that cooperation with the non-governmental organization (NGO) Coalition on the Rights of the Child (COLTE) is effective. However, the Committee regrets that there has been no participatory process organized with civil society during the elaboration of the State party's report. The Committee expresses concern that in the recent past, members of non-governmental human rights organizations, including those monitoring the situation of children as well as journalists have been subjected to various human rights violations.

30. **The Committee urges the State party to take concrete steps to facilitate and give legitimate recognition to human rights defenders and their work, including those who report child rights violations, to ensure that NGOs and journalists can safely carry out their functions in a manner consistent with the principles of a democratic society. The Committee also recommends that the State party ensure that the elaboration of the State party's report is done through an effective participatory process involving civil society, children and all relevant stakeholders.**

#### **Child rights and the business sector**

31. While the Committee notes the introduction in 2011 of the new Mining Code, and other instruments including the 1994 Water Code, the 1999 Forest Code and the 1989 Environmental Protection Law, the Committee is concerned at the lack of regulation of private enterprises and lack of investments in terms of environmental protection and ensuring long-term livelihood of the communities living in the zones where the private enterprises operate. The Committee is also concerned at the absence of reporting mechanisms to ensure that private enterprises are not held accountable and required to provide adequate remedies when their activities endanger the communities living in the zones where they operate due to the absence of reporting mechanisms.

32. **The Committee recommends that the State party establish clear regulations and a nation-wide legislative framework, including through the adoption of agreements between private enterprises and the government at the local level, requiring companies domiciled or operating in Guinea to adopt measures to prevent and mitigate adverse human rights impacts of their operations in the country, including by their supply chain or associates. The inclusion of child rights indicators and parameters for reporting should be promoted and specific assessments of business impacts on child rights should be required. In doing so, the Committee urges the State party to allocate adequate resources to protect the communities from potential harmful environmental impact and to increase their livelihood.**

## **B. Definition of the child (art. 1 of the Convention)**

33. While welcoming that the definition of a child in Guinea, contained in the Children's Code, is in line with the Convention and the fact that the minimum legal age of marriage is now fixed at 18 years for both boys and girls, the Committee is concerned that article 269 of the Children's Code allows the marriage of boys and girls under 18 years, with the consent of their parents or legal guardians.

34. **The Committee urges the State party to amend article 269 of the Children's Code and eliminate all discrepancies linked to the age of marriage.**

## **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

35. The Committee acknowledges the State party's efforts to eliminate discrimination against children in situations of vulnerability, including children with disabilities, children living in rural areas, children living in poverty, refugee children and children born out of wedlock. The Committee, however, notes with concern that these measures remain insufficient to significantly improve education and health service delivery to these children.

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

37. **The Committee urges the State party to adopt and implement a comprehensive strategy addressing all forms of discrimination, and ensuring that all children have equal access to education and health services while ensuring that both girls and boys have access to inheritance. Particular emphasis should be put on promoting the rights of girls, children with disabilities, children living in rural areas, children living in poverty, refugee children and children born out of wedlock.**

### **Best interests of the child**

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

39. **The Committee urges the State party to strengthen its efforts to ensure that the right of the child to have his or her best interests taken into account as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to determine the best interests of the child in every area, and to disseminate them to the public or private social welfare institutions, courts of law, administrative authorities and legislative bodies. All judicial and administrative judgements and decisions should also be based on this right.**

#### **Right to life, survival and development**

40. The Committee notes that while recent estimates show that infant mortality rates and child malnutrition rates have declined in the State party over the past decade, these rates remain higher than the average in sub-Saharan Africa. The Committee is concerned that the high rates of preventable domestic accidents cause the death of a large number of children every year.

41. **In the light of article 6 of the Convention, the Committee recommends that the State party maintain efforts to reduce infant mortality and increase the outreach of health, nutrition, birth registration and other social services to enhance the development of the child. It also recommends that the State party take all preventive measure to avoid domestic accidents and to inform the public at large on these issues.**

#### **Respect for the views of the child**

42. The Committee welcomes the establishment of a Children's Parliament in 2001 and the first National Forum on Children in June 2012. However, it is concerned that the Children's Parliament lacks resources and is insufficiently consulted and heard. While the right to be heard has been integrated in the Children's Code, the Committee regrets that traditional social beliefs and attitudes continue to prevent children from freely expressing their opinions within the family, schools and the community at large. The Committee is also concerned about the lack of provisions for the respect of this right in judicial and administrative proceedings and that, in reality, very few children are heard in the official decisions.

43. **Drawing attention to its General Comment No. 12 on the right of the child to be heard (CRC/GC/12/2009), the Committee recommends that the State ensure that children effectively enjoy their right to express their views, and that these views are given due weight in all matters affecting them in both the public and private spheres. The Committee also recommends that sufficient resources be allocated to the Children's Parliament and urges the State party to develop a systematic approach to increase children's participation in all spheres of their lives, including in judicial and administrative proceedings and to make their views known, including through relevant legislative amendments.**

### **D. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

44. While welcoming the numerous measures taken by the State party to increase birth registration rates, including through the creation of a National Direction for Civil Status in 2011, the Committee is however concerned that only a third of children are registered at

birth. The Committee regrets that the National Direction for Civil Status has not been adequately equipped to fulfil its mandate. It is also concerned about the difficult access to registration centres due to their location as well as the cost incurred to obtain registration certificates, which constitutes a significant obstacle, especially for poor families.

**45. The Committee encourages the State party to strengthen its efforts to expand and expedite the process of birth registration, particularly in rural areas, through the effective functioning of the National Direction for Civil Status and by lowering the cost of birth certificates. It further recommends that the State party launch extensive awareness-raising programmes including campaigns on the importance of birth registration, on the process of registration, and on the benefits thereof.**

## **E. Violence against children (arts 19, 37 (a) and 39 of the Convention)**

### **Torture and other cruel or degrading treatment or punishment**

46. The Committee expresses deep concern that detained children are often subjected to ill-treatment or torture in police stations so that they may confess the commission of an offence, as recognized by the delegation of the State party during the interactive dialogue. The Committee is also seriously concerned that children are frequently subject to ill-treatment and torture while in detention.

**47. In the light of article 37 (a) of the Convention, the Committee urges the State party to:**

**(a) Take urgent and concrete measures to prohibit and prevent ill-treatment of children in police stations and detention centres, and to provide immediate protection from all forms of torture or other cruel, inhuman and degrading treatment or punishment to those currently detained and at risk of further ill-treatment;**

**(b) Ensure that all acts of ill-treatment are promptly prosecuted and the perpetrators are sanctioned if found guilty;**

**(c) Provide care, recovery, compensation and rehabilitation for child victims of torture and ill-treatment; and**

**(d) Provide detailed information in its next periodic report on measures taken to implement these recommendations.**

### **Corporal punishment**

48. The Committee, while noting that the Children's Code prohibits "all forms of physical and psychological maltreatment" in the family, schools and institutions, the Committee remains concerned that:

(a) The Children's Code does not explicitly prohibit corporal punishment in all settings;

(b) Corporal punishment of children remains widespread and socially accepted in the home, in schools, in penal institutions, and in alternative care settings;

(c) Some religious interpretations wrongly prescribe whipping as being an integral part of learning the Koran, as indicated by the delegation during the interactive dialogue; and

(d) There is no mechanism available for children to denounce corporal punishment.

49. **With reference to the Committee's General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/8/2006), the Committee urges the State party to:**

**(a) Ensure that different laws and regulations explicitly prohibit corporal punishment;**

**(b) Effectively implement these laws and regulations and systematically initiate legal proceedings against those responsible for mistreating children, including teachers using whips;**

**(c) Introduce sustainable public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on both the physical and psychological harmful effects of corporal punishment on the development of children with a view to changing the general attitude towards this practice and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative; and**

**(d) Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies against corporal punishment of children.**

#### **Abuse and neglect**

50. The Committee is concerned at the alarmingly high number of children, especially girls, subjected to violence and abuse at home, at school, and in alternative care settings. The Committee regrets that these cases of abuse are seldom reported and that the perpetrators are rarely held accountable.

51. **The Committee urges the State party to:**

**(a) Ban all forms of abuse and neglect against children in all settings;**

**(b) Establish community protection mechanisms mandated to monitor and report cases of abuse and neglect in a stigma-free environment; and**

**(c) Train all professionals working with and for children, including teachers, religious and community leaders, and health and social workers, to identify child victims and to effectively intervene in case of abuse and neglect against children.**

#### **Sexual exploitation and abuse**

52. The Committee welcomes the elaboration of the National Strategy to Combat Gender-Based Violence, including strategies to prevent sexual exploitation and abuse in 2010. The Committee is, however, concerned at the shortcomings in the relevant legislation in particular that sexual violence is considered as an offence against morality as opposed to a crime against the person. The Committee is also seriously concerned about the lack of a coordinated and coherent approach to child protection and about the prevailing culture of corruption and impunity in this field.

53. **The Committee urges the State party to address all shortcomings in its legislation on sexual exploitation and abuse and in particular, clearly define sexual violence as an offence against the person. The Committee also urges the State party to:**

**(a) Adopt specific programmes and policies for the prevention, protection, recovery and reintegration of child victims of sexual exploitation and abuse, and ensure that those programmes are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congress against Commercial Sexual**

**Exploitation of Children held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil;**

**(b) Develop adequate methods of identification, systematic reporting and investigation of cases of sexual exploitation and of recovery for the victims;**

**(c) Prosecute and sanction all perpetrators of sexual exploitation and abuse, including teachers and ensure that judges and law-enforcement authorities take all appropriate measures to bring the perpetrators to justice and provide them with sentences commensurate with their crime; and**

**(d) Strengthen coordination between all actors of the protection system and allocate sufficient human, technical and financial resources to that end.**

**Female genital mutilation**

54. The Committee notes with regret that in spite of the enactment of law L010/AN/2000 of 10 July 2000 on reproductive health, prohibiting female genital mutilation (FGM) (art.13) and the elaboration of a strategic plan against FGM (2012-2016), 96 per cent of girls and women are still subject to FGM as indicated by the delegation during the dialogue.

**Other harmful practices**

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

56. **The Committee recommends that the State party:**

**(a) Enforce existing legislation prohibiting FGM and early and forced marriage as well as marriages as a “means of compensation” or “settlement” by bringing perpetrators to justice, and ensure that other harmful practices are outlawed and punished;**

**(b) Strengthen efforts to raise awareness within the extended family, among Local Protection Committees, health-care providers and practitioners, traditional and religious leaders on the harmful impact of FGM and other harmful traditional practices on the psychological and physical health and welfare of the girl child, as well as her future family;**

**(c) Assist and empower practitioners of FGM to find an alternative source of income; and**

**(d) Actively promote change with regard to the levirate, sororate, repudiation, polygamy and other practices that have an adverse impact on women, girls and children.**

**Freedom of the child from all forms of violence**

57. The Committee is concerned at the high level of gender-based violence, with nine out of ten women aged between 15 and 64 being victims of violence in 2012. The Committee is also concerned that:

**(a) The rate of reporting of cases of violence against women and children is very low because of the taboo surrounding abuse – especially of a sexual nature – and by fear of being further stigmatized; and**

(b) The professionals working on these issues have not received the appropriate training that would allow them to provide adequate care to victims of violence according to agreed-upon standards.

58. **Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account General Comment No. 13 (C/CRC/GC.13/2011), and in particular:**

(a) **Develop a comprehensive national strategy to prevent and address all forms of violence against children;**

(b) **Adopt a national coordinating framework to address all forms of violence against children;**

(c) **Pay particular attention to and address the gender dimension of violence;**

(d) **Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.**

**F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

59. The Committee expresses serious concern that the 1983 Civil Code contains provisions in family law that discriminate against women and girls and reinforce discriminatory social practices, in particular that:

(a) The husband is the head of the family (art. 324). Thus, he chooses the place of residence for the family (arts. 247 and 331) and may object to his wife exercising the profession of her choice (art. 328);

(b) In cases of divorce, a woman only has custody of her children until they are aged 7 years (art. 359);

(c) Adultery is considered a ground for divorce if committed by the wife. If it is committed by the husband, it will only be considered a ground for divorce if the act took place in the family home (arts. 341 and 342).

60. **The Committee urges the State party to take prompt measures to ensure that mothers and fathers share the legal responsibility for their children equally in accordance with article 18 (1) of the Convention. In particular, the Committee urges the State party to:**

(a) **Review the Civil Code and ensure that all provisions contained in articles 247, 324, 328, 331, 341, 342 and 359 that discriminate against women and girls and negatively impact on their children be repealed; and**

(b) **Review its legislation relating to the custody of the child with a view to ensuring that all decisions taken are based on the principle of the best interests of the child in line with articles 3 and 12 of the Convention and that children can no longer be withdrawn from their mother's custody when they reach 7 years old.**

**Children deprived of a family environment**

61. The Committee notes with concern that children are placed in centres created by NGOs for economic, political, religious and conflict-related reasons, and as a result of

stigmatization when they are affected by HIV/AIDS or victims of sexual abuse. The Committee expresses concern that these institutions do not always meet the minimum standards of practice, including decent living conditions and that insufficient attention is paid to the reunification of children with their parents.

62. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive survey on all children deprived of a family environment and allocate sufficient human, technical and financial resources to ensure adequate care and quality standards of protection to children deprived of their family environment, whether they are in street situations, orphans, abandoned or displaced children and refugees fleeing conflicts in neighbouring countries;**

(b) **Increase measures to facilitate the family reunification of children with their parents;**

(c) **Develop and disseminate minimum standards of care and protection to be respected by all centres taking into account the Guidelines for the Alternative Care of Children annexed to United Nations General Assembly resolution 64/142 of 18 December 2009; and**

(d) **Establish independent mechanisms for complaints for children placed in institutions and ensure the regular follow-up and evaluation of the situation of children.**

**G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

63. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2008 and notes with satisfaction the elaboration of a strategy of education for children with disabilities. However, the Committee regrets that the implementation of the aforementioned strategy has not resulted in improved access to basic social services, notably in the areas of education and health for children. The Committee is further concerned that there is only one secondary school facility accessible to children with disabilities in the State party.

64. **In the light of its General Comment No. 9 on the rights of children with disabilities (CRC/C/GC/2006/9) the Committee urges the State party to ensure that children with disabilities fully enjoy their rights under the Convention in particular their right to health, education and adequate standard of living. The Committee encourages the State party to allocate the necessary resources for effective implementation of the national strategy with a view to guaranteeing to all children with disabilities, in particular those living in rural areas, access to education and health care, opportunities for play and culture, family life, protection from violence, an adequate standard of living and the right to be heard.**

**Health and health services**

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

(a) Disparities in health-care provision across different regions of the country;

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

66. **The Committee recommends that the State party:**

- (a) Increase the resources allocated to the health sector, develop and implement comprehensive policies and programmes for improving the health situation of children;**
- (b) Facilitate greater and equal access to quality primary health services for mothers and children in all areas of the country in order to end the disparities in health-care provision between the different areas with due emphasis on the issues of chronic malnutrition, malaria and tuberculosis, and adopt the necessary measures to prevent and eliminate noma; and**
- (c) Ensure decent conditions of work for professionals in the health sector for improved quality services for children and their mothers.**

#### **Adolescent health**

67. The Committee notes that although efforts have been made by the State party to improve access to health services for adolescents through the creation of law L010/AN/2000 of 10 July 2000 on reproductive health, it remains concerned about the absence of comprehensive information on key health issues affecting adolescents, including teenage pregnancy, substance abuse (including alcohol and drugs), HIV/AIDS, sexually transmitted diseases (STDs) and non-communicable diseases (NCD).

68. **Referring to its General Comment No. 4 on adolescent health and development in the context of the Convention (CRC/GC/2003/4), the Committee recommends that the State party set up a comprehensive data collection system on key areas of health affecting children, raise awareness and provide access to services for adolescents in relation to sexual and reproductive health, respond to the increasing number of teenage pregnancies and abortions, and facilitate access to contraceptives, as well as to quality reproductive health services, assistance and counselling. The Committee also recommends that the State party develop specialized and youth-friendly drug-dependence treatment and harm-reduction services for children and young people.**

#### **HIV/AIDS**

69. The Committee notes that although the National Multisectoral Committee to Combat HIV/AIDS was established in 2002, major gaps remain in its implementation resulting in children living with HIV/AIDS not having access to proper health care. The Committee is also concerned that early sexual activity, FGM and the low level of knowledge about HIV among adolescents increase the risk of HIV/AIDS spreading.

70. **In the light of its General Comment No. 3 on HIV/AIDS and the rights of the child (CRC/GC/2003/3), the Committee recommends that the State party take all measures to ensure effective enforcement and implementation of HIV/AIDS-related**

**laws and programmes, including conducting training for law enforcement officials, and professionals working with and for children and adolescents.**

### **Standard of living**

71. The Committee notes as positive the significant progress made by the State party to lower the external debt and to increase social investment over the past two years with the view to eradicating poverty. The Committee is however concerned that structural and long-term investment measures to maintain families out of poverty are insufficient to reduce the high level of disparities in the quality and level of access to social services, with rural regions being in the most disadvantaged situation. The Committee is also concerned that social programmes targeting families in the most vulnerable situations such as free education and health services hardly reach the poorest children and that these programmes rely heavily on international cooperation and international NGOs.

**72. The Committee urges the State party to strengthen its efforts to eradicate poverty and to this end, to address the root causes and structural determinants of poverty. The Committee also urges the State party to:**

**(a) Take all the necessary measures, including affirmative action policies to address the economic disparities which affect rural regions and urban suburbs and which lead to unequal enjoyment by children of the rights enshrined in the Convention;**

**(b) Assess the impact of its social-protection programmes and review them to ensure that they are sustainable and give priority to children and families in the most vulnerable and disadvantaged situations;**

**(c) Reduce the impact of dependence on external cooperation; and**

**(d) Take all the necessary measures to increase education and apprenticeship opportunities for children in order to keep families out of poverty in a sustainable manner.**

## **H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

73. While noting the adoption of the National Policy on Pre-school Education and Child Protection (2007), the Committee is, however, concerned at the limited budgetary allocations to that sector and that one third of children remain completely deprived of access to education. The Committee is particularly concerned that:

**(a) The disparity in schooling between boys and girls remains an important challenge in all indicators related to education as are disparities between rural and urban environments, and between regions and prefectures;**

**(b) Even though public school tuition is free, parents must still pay for books and uniforms;**

**(c) Only one child in every 5 ends primary school at the required age of 12; the teacher/pupil ratio remains high, 44.1 for primary and 35 for secondary education; giving teachers less time to devote to students thereby reducing the quality of education;**

**(d) Poor hygiene facilities pose major problems for children, especially girls;**

(e) Private schools are not regulated; and children in Koranic schools are often forced by their teachers to beg or work in fields; and

(f) The rate of pre-schooling is very low with strong disparities between Conakry and the rest of the country.

74. **The Committee urges the State party to:**

(a) **Ensure that education is effectively free for all children in the State party without hidden costs;**

(b) **Allocate increased resources to the education sector in order to improve, expand, build and reconstruct adequate school facilities and infrastructure throughout the State party, and create a truly inclusive educational system welcoming children with disabilities as well as children from all minorities;**

(c) **Increase education funding allocations to the poorest, most conflict-affected and remote districts so as to ensure equitable access to education including pre-school for all children, including the most vulnerable and disadvantaged children;**

(d) **Take active measures to promote the right of girls to education through social mobilization campaigns;**

(e) **Improve the quality of education by reducing the teacher/pupil ratio and take all measures to ensure that children complete their schooling, including concrete action to address the reasons behind failure to complete schooling; and**

(f) **Enforce professional standards and guidelines to be adopted in both public and private Koranic schools.**

**I. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

**Asylum-seeking and refugee children**

75. The Committee is concerned at the lack of disaggregated statistical information on the situation of refugees, especially refugee children and the lack of capacity and resources to handle the flow of refugees.

76. **The Committee urges the State party to adopt a comprehensive legal framework for refugees and asylum seekers in line with international standards and to develop an efficient and well-founded cooperation mechanism with the Office of the United Nations High Commissioner for Refugees (UNHCR) to identify and provide assistance to children in need of protection, especially unaccompanied asylum-seeking children. The Committee encourages the State party to seek technical assistance from UNHCR. The Committee also recommends that the State party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

**Children in armed conflict**

77. The Committee expresses deep concern that:

(a) Between 2000 and 2001, thousands of young people, including children as young as 13 were recruited into militias known as “Young Volunteers”, operating under the Ministry of Defence to participate in counter-attacks against Liberia, and that many of them

have been integrated into the army, whereas the remainder were reportedly abandoned to their fate; and

(b) Only a small minority of the “Young Volunteers” followed the process of demobilization in 2004 and that a large number of former child soldiers lived, without any support, in the country’s forests.

**78. The Committee urges the State party to take all necessary measures to ensure respect of the minimum age of compulsory and voluntary recruitment fixed at 18 years according to international standards and that child and youth combatants are released and adequately assisted to ensure their psychosocial and professional reintegration.**

#### **Economic exploitation, including child labour**

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

(a) Children work in mines, agriculture and the fishing industries, for long hours in hazardous conditions; and

(b) Girls as young as 5 years who perform domestic labour and carry heavy loads, are often not paid for their work and are subject to emotional, physical and sexual abuse.

**80. The Committee recommends that the State party:**

(a) **Fix strict age limits for children engaged in labour activities, including in the informal and private sectors, according to ILO Convention No. 138 and enforce mechanisms to control, investigate and prosecute violations of the law;**

(b) **Conduct a national child labour survey to collect reliable and valid data in order to understand the dynamics of child labour and to support recommendations that will address the root causes and dangers of child labour throughout the country;**

(c) **Include children and representatives of children’s organizations in all efforts to eliminate child labour;**

(d) **Provide educational opportunities for children who must work for their family’s survival;**

(e) **Raise awareness of the negative consequences of child labour through a wide public information campaign; and**

(f) **Ratify ILO Convention No. 181.**

#### **Children in street situations**

81. The Committee is concerned at the growing number of children who are forced to live and work on the streets and at the lack of statistical information available on children in street situations. The Committee is further concerned that these children do not have access to any form of education and are vulnerable to various types of abuse and exploitation.

**82. The Committee recommends that the State party develop and implement a comprehensive holistic strategy, with the active participation of street children**

**themselves, NGOs and other relevant professionals, to address the root causes of the phenomenon of children in street situations, with the aim of eliminating it.**

**Sale, trafficking and abduction**

83. While welcoming the adoption of a Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African regions in 2005, the Committee is concerned that:

(a) The State party remains a source, transit, and to a lesser extent, a destination country for children subjected to forced labour and sex trafficking and that the majority of Guinea's victims of trafficking are children;

(b) The relationship between the specialized police unit responsible for child labour and child trafficking investigations, and the National Committee to Fight Against Trafficking in Persons has yet to be clearly defined; and

(c) Prosecutions of child trafficking cases are rare.

84. **The Committee recommends that the State party:**

(a) **Continue ongoing efforts to prevent, detect, investigate, and prosecute trafficking cases;**

(b) **Elaborate and implement programmes of prevention and protection against trafficking and the sale of children within the framework of the child protection policy and strategy, with a particular focus on vulnerable groups of children;**

(c) **Train law enforcement officials and build their capacity to identify victims of trafficking; and**

(d) **Undertake a campaign to increase public awareness of trafficking.**

**Administration of juvenile justice**

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

(a) Outside the capital, the courts and the judges, prosecutors and professionals are not specialized;

(b) Deprivation of liberty is the most common sentence for children in conflict with the law, including for children as young as 13 years old;

(c) Children are placed in pre-trial detention for long periods of time until the "cour d'assises" can consider their case; trials are held in public hearings, and children are rarely provided with legal assistance due to the shortage of the number of lawyers;

(d) Children are detained with adults and that the number of juvenile justice facilities is insufficient;

(e) Many children in conflict with the law are held in prison for petty offences while their parents are unaware of their detention; and

(f) The views of the children are not fully heard during police questioning or hearings; some have confessed to crimes as a result of torture.

86. **The Committee recommends that the State party bring the juvenile justice system fully in line with the Convention, in particular articles 37, 39 and 40, and with**

other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines for Action on Children in the Criminal Justice System; and the Committee's General Comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10). In particular, the Committee urges the State party to:

- (a) Ensure that only professionals who are specialized and trained in juvenile justice are assigned to deal with children in conflict with the law and to extend the number of juvenile courts in all the provinces of the State party;
- (b) Ensure that detention, including pre-trial detention is used as a measure of last resort and for the shortest possible period of time, even in the case of very severe crimes and that it is reviewed on a regular basis;
- (c) Guarantee to children in conflict with the law respect of procedural rights, including access to legal assistance, closed hearings and the principle of celerity;
- (d) Promote alternative measures of detention, such as diversion, probation, counselling, community service or suspended sentences, wherever possible;
- (e) Ensure immediate removal of children from adult detention facilities and place them in safe, child-sensitive environments where they are treated decently, respected for their inherent dignity, and where they can maintain regular contact with their families, and are provided with adequate medical services, education and vocational training; and
- (f) Make use, if relevant, of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, and seek technical assistance on juvenile justice from the Panel.

#### Child victims and witnesses of crimes

87. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).

#### J. Ratification of international human rights instruments

88. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, submit its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and ratify the Optional Protocol to the Convention on the involvement of children in armed conflict (specifically by submitting the mandatory declaration required under article 3 to the Secretariat of the United Nations), the Optional Protocol to the Convention on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional

**Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearance.**

**K. Cooperation with regional and international bodies**

89. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union towards the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

**L. Follow-up and dissemination**

90. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court, and to local authorities for appropriate consideration and further action.

91. The Committee further recommends that the second periodic report and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and its Optional Protocols and of their implementation and monitoring.

**M. Next report**

92. The Committee invites the State party to submit its combined third to sixth periodic report by 1 September 2017 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and eventually resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

93. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).