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resolution 5/1**

Guinea

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	14 Mar. 1977	None	Individual complaints (art. 14): No
ICESCR	24 Jan. 1978	Yes (arts. 1 (3), 14 and 26 (1))	-
ICCPR	24 Jan. 1978	Yes (art. 48 (1))	Inter-State complaints (art. 41): No
ICCPR-OP 1	17 Jun. 1993	None	-
CEDAW	9 Aug. 1982	None	-
CAT	10 Oct. 1989	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	13 Jul. 1990 a	None	-
ICRMW	7 Sept. 2000 a	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
CRPD	8 Feb. 2008	None	-
OP-CRPD	8 Feb. 2008	None	Inquiry procedure (arts. 6 and 7): Yes

Core treaties to which Guinea is not a party: OP-ICESCR,³ ICCPR-OP 2, OP-CEDAW, OP-CAT (signature only, 2005), OP-CRC-AC, OP-CRC-SC, CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except 1961 convention
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The International Commission of Inquiry, established by the Secretary-General and mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea and the related events in their immediate aftermath, reported that Guinea has signed and ratified the majority of international and regional human rights conventions.⁸

2. In 2007, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged the State to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁹

B. Constitutional and legislative framework

3. The International Commission of Inquiry reported that the 1990 Constitution was suspended on 24 December 2008, with the exception of Title II, which covers fundamental freedoms and rights of citizens, while the new Head of State, Moussa Dadis Camara, created, together with other senior army officers, a National Council for Democracy and Development.¹⁰

4. In 2009, UNHCR stated that the current socio-political situation in Guinea is characterized by institutional instability and insecurity.¹¹ UNHCR recommended that Guinea adopt a new refugee law to provide a better legal framework for the protection of refugees, and that the Government take the necessary measures to ensure the physical safety of refugees.¹²

5. While noting that the Convention on the Elimination of All Forms of Discrimination against Women is an integral part of Guinean law, CEDAW also noted that the absence of a specific legal provision in the State's domestic legislation, with a definition of discrimination against women constituted an impediment to the full application of the Convention in the State.¹³

6. CEDAW was concerned about the delays in the adoption of the amendments to the civil code, which allow for the persistence of discriminatory provisions that deny women equal rights with men in various fields.¹⁴ CEDAW urged the State to place high priority on completing the process needed for the adoption of the amendments to the civil code.¹⁵

C. Institutional and human rights infrastructure

7. While welcoming the strengthening of the national machinery for the advancement of women with the establishment of the gender focal points in some ministerial departments, the Observatory on Respect for Women's Rights in the National Assembly, and the national and regional CEDAW monitoring committees,¹⁶ CEDAW recommended strengthening the national machinery by clearly defining the mandates and responsibilities of its various components and by allocating sufficient human and budgetary resources.¹⁷

8. As of 15 January 2010, Guinea does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹⁸

9. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations noted the Government's indication that it has established a system for the monitoring and surveillance of Child Labour, which is composed of a national coordination unit in the National Directorate of Employment.¹⁹

D. Policy measures

10. CEDAW commended Guinea for undertaking various initiatives to improve women's health, including the launching of a multi-sectoral HIV/AIDS project, the placement of the Executive Secretariat of the National AIDS Committee under the aegis of the Office of the Prime Minister and the increase of the State budget allocated to the health sector, and to improve maternal health in particular.²⁰

11. CEDAW noted efforts aimed at empowering rural women, such as the establishment of the National Rural Development and Agricultural Extension Service, the establishment of the Triennial National Literacy Programme for 300,000 women at the grass-roots level and the adoption of the Land (Private and State-owned) Code.²¹ CEDAW called upon

Guinea to undertake an assessment of its past policies and programmes on gender equality and to monitor systematically the implementation of its gender equality policies and programmes.²²

12. In 2005, Guinea adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.²³ To implement the World Programme, the Ministry of Pre-University Education and Civic Education has undertaken a number of activities to promote human rights education in the school system.²⁴

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²⁵</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1998	August 1999	-	Twelfth to sixteenth reports overdue since 2000, 2002, 2004, 2006 and 2008, respectively
CESCR	None	May 1996 ²⁶	-	Initial to fourth reports overdue since 1990, 1995, 2000 and 2005 respectively
HR Committee	1991	April 1993	-	Third report overdue since 1994
CEDAW	2005	July 2007	-	Combined seventh and eighth reports due in 2011
CAT	None	None	-	Initial to fifth reports overdue since 1990, 1994, 1998, 2002, 2006, respectively
CRC	1996	1999	-	Second to third reports overdue since 1997 and 2002, respectively
CMW	None	None	-	Initial report overdue since 2004
CRPD	None	None	-	Initial report due in 2010

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	-
<i>Visits agreed upon in principle</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions (2007)

<i>Visits requested and not yet agreed upon</i>	-
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, nine communications were sent. ²⁷ The Government did not reply to any communication.
<i>Responses to questionnaires on thematic issues</i>	Guinea responded to 1 of the 21 questionnaires sent by special procedures mandate holders. ²⁸

3. Cooperation with the Office of the High Commissioner for Human Rights

13. In 2007, OHCHR deployed two technical missions to Guinea to help a national coalition of non-governmental organizations to conduct investigations into the killing, wounding, arrest and alleged mistreatment of protesters in strike-related unrest in January and February 2007.²⁹

14. In 2008, a human rights adviser was deployed in Guinea within the United Nations Country Team.³⁰ In the same year, OHCHR organized workshops for the Government and civil society representatives on basic human rights, special procedures and the universal periodic review. Impacts of OHCHR presence in Guinea included the creation of a National Human Rights Observatory, the setting up of a human rights department within the Ministry of Justice and the appointment of a human rights adviser to the Prime Minister.³¹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. In 2007, CEDAW stated its concern at the prevalence of a patriarchal ideology with firmly entrenched stereotypes regarding the roles and responsibilities of women and men in the family and society. It also expressed its concern at the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage and female genital mutilation, that constitute serious obstacles to women's enjoyment of their human rights.³² CEDAW urged the State to put in place without delay a comprehensive strategy to modify or eliminate negative cultural practices and stereotypes. It also requested the State to undertake such efforts in collaboration with civil society, women's organizations, and community and religious leaders, and to report on measures taken and results achieved.³³

16. CEDAW reiterated its concern about the continuing underrepresentation of women in public and political life and in decision-making positions. It noted with concern the decline, during the period from 2002 to 2007, in the number of women at high and decision-making levels, in particular of women in Parliament and women ministers.³⁴ A United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament was 19.3 per cent in 2008.³⁵

17. CEDAW was also concerned about various prevailing discriminatory provisions in the Civil Code, such as a lower age of marriage for women (17 years) than for men (18 years), the notion that the man is the head of the household, the provisions relating to custody of minor children and the unequal sharing of marital responsibilities.³⁶

18. In 2008, the ILO Committee of Experts expressed the hope, in recalling its 2002 observation, that the Government will amend section 20 of the Order of 5 March 1987 on the general principles of the public service (which prohibits discrimination only on the basis of philosophical or religious views and sex) in order to include all of the grounds set forth in article 1, paragraph 1(a), of the ILO Discrimination (Employment and Occupation) Convention.³⁷

2. Right to life, liberty and security of the person

19. On 13 June 2006, the Secretary-General stated that he was deeply concerned by the killings of approximately 10 students during the demonstrations on 12 June 2006. He underlined the need for the non-violent resolution of disputes and called on the authorities to exercise restraint.³⁸

20. On 22 January 2007, the Secretary-General stated that he was gravely concerned at the excessive use of force resulting in the loss of life in clashes in Guinea. He strongly urged the Government to carry out investigations into the killings with a view to bringing those responsible to justice, and to take the necessary measures to ensure the safety of all citizens throughout the country. He urged the parties to engage in dialogue in order to find a peaceful resolution to the dispute.³⁹

21. On 13 February 2007, the High Commissioner for Human Rights condemned the reported killing of civilians in Guinea days before, and recalled that fundamental human rights cannot be curtailed even in a state of emergency.⁴⁰ The same day, the Secretary-General reiterated his grave concern over the worsening political and security situation in Guinea, and stated that he deplored the continued loss of lives and the wanton destruction of property. He urged the Government and the security forces to exercise maximum restraint and to scrupulously uphold the rule of law and respect for human rights, and he urged the labour leaders to refrain from inciting violence and the destruction of property.⁴¹

22. On 30 September 2009, the High Commissioner for Human Rights stated that she was appalled by reports that, in a mass demonstration on 28 September, more than 130 people were killed, women were raped, members of the opposition were arbitrarily arrested and had their homes looted.⁴² The Secretary-General said that he was shocked by the loss of life, the high number of people injured and the destruction of property that resulted from the excessive use of force by the armed and security forces in Guinea to disperse the demonstration.⁴³ The Special Representative of the Secretary-General for West Africa echoed the concerns expressed by the Secretary-General. He added that use of violence and gross violations of human rights, including physical attacks on political leaders, and the rape and degrading treatment of women, were completely unacceptable. Those who committed these injustices should be held accountable to ensure that a culture of impunity is not perpetuated.⁴⁴

23. The International Commission of Inquiry was in a position to confirm the identity of 156 persons who were killed or who disappeared during the events on 28 September 2009: 67 persons killed whose bodies were returned to their families; 40 persons who were seen dead in the stadium or in morgues but whose bodies have disappeared; and 49 persons who were seen in the stadium but whose fate is unknown. It confirmed that at least 109 women were subjected to rape and other sexual violence, including sexual mutilation and sexual slavery. Several women died of their wounds following particularly cruel sexual attacks. The Commission also confirmed hundreds of other cases of torture or of cruel, inhuman or degrading treatment. Dozens of persons were arrested and arbitrarily detained in the military camps of Alpha Yaya Diallo and Kundara and in the barracks of the riot police, where they were tortured. The security forces also systematically stole demonstrators' property and engaged in looting.⁴⁵ The Commission believed that it was reasonable to

conclude that the crimes perpetrated could be described as crimes against humanity and reported on State and individual responsibilities.⁴⁶

24. The Commission also reported that the Guinean authorities had provided utterly contradictory versions of the events and denied any possibility of rape or other sexual violence. They acknowledged a total of 63 dead and at least 1,399 wounded. The hospitals, however, stated that they treated at least 33 women who had been raped during the events.⁴⁷

25. In 2009, the Working Group on Enforced or Involuntary Disappearances reported that 21 outstanding cases had been transmitted to the Government but no response had been received.⁴⁸

26. CEDAW remained concerned about the prevalence of violence against women and girls, and particularly about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women.⁴⁹ CEDAW urged the State to place the highest priority on implementing a comprehensive approach to address all forms of violence against women, and to raise public awareness through the media and education programmes. CEDAW also called upon the State to train the judiciary, law enforcement officials, social workers and health providers to enhance, as highlighted also by UNHCR,⁵⁰ victims' access to legal redress, and to establish support measures for victims of violence against women, including shelters and legal, medical and psychological support. CEDAW urged Guinea, as highlighted also by UNHCR,⁵¹ to enact without delay legislation on domestic violence, including marital rape and all forms of sexual abuse, and requested the State to provide information on the laws, policies and programmes in place and on the impact of such measures, as well as statistical data and trends.⁵²

27. CEDAW was deeply concerned about the persistence and very high incidence of female genital mutilation and about the impunity of perpetrators of this practice.⁵³ CEDAW urged the State to raise awareness about the Law on Reproductive Health that prohibits all forms of female genital mutilation and to ensure its enforcement, including the prosecution and adequate punishment of offenders. It also urged the State to strengthen its awareness-raising and education efforts, to address the health consequences of female genital mutilation and provide medical support to those affected by it.⁵⁴

28. While appreciating Guinea's efforts to combat the trafficking of women and girls, CEDAW remained concerned, as highlighted also by UNHCR,⁵⁵ about the absence of adequate measures to combat this phenomenon, including its causes and extent, in particular from Guinea's position as a country of origin, transit and destination.⁵⁶ It recommended, as highlighted also by UNHCR,⁵⁷ strengthening measures to combat and prevent trafficking and to improve the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers. CEDAW requested Guinea to provide comprehensive information and data on trafficking in women and girls.⁵⁸

29. In November 2007, the Special Rapporteur on the human rights of migrants, together with the Special Rapporteur on the sale of children and the Special Rapporteur on violence against women, sent a letter of allegations concerning the exploitation of children in domestic work in Guinea. According to the information received, tens of thousands of girls work as servants. Moreover, a large number of those minors are unable to obtain any information or assistance from outside.⁵⁹

30. The ILO Committee of Experts noted that according to the information available to ILO, Guinea is a country of origin and of destination in relation to the sale and trafficking of children for forced labour in agriculture, diamond mines and domestic work. It requested information on the measures adopted in the National Plan of Action to Combat the Sale and Trafficking of Children.⁶⁰ In 1999, the Committee on the Rights of the Child (CRC) expressed its concern at the large number of children who are involved in labour activities, including in the informal sector, in agriculture and in the family context. Child labour laws

should be enforced, the labour inspectorates strengthened and penalties imposed in cases of violation.⁶¹

3. Administration of justice, including impunity and the rule of law

31. On 24 January 2007, the High Commissioner for Human Rights called for an independent investigation into reports that security forces have killed dozens of unarmed protestors in Guinea. She added that killings had to be investigated expeditiously and impartially, and that there must not be, in any case, impunity for human rights violations.⁶² On 30 September 2009, the High Commissioner called for an independent inquiry into reports that numerous summary executions and other human rights violations were carried out by Guinea's security forces during the violent suppression of a mass demonstration on 28 September. The High Commissioner recalled that numerous summary executions and other human rights violations took place under the previous Government, in particular in June 2006 and February 2007: an independent Commission of Inquiry was established to look into those events, but, due to a lack of political will, it never functioned.⁶³

32. On 16 October 2009, the Secretary-General stated that he had decided to establish an international commission of inquiry to investigate the incidents of 28 September in Conakry, with a view to determining the accountability of those involved.⁶⁴ This decision was taken following, on the one hand, the wish expressed on 2 October by the President of Guinea and, on the other hand, the appeal by the Economic Community of West African States (ECOWAS) and the International Contact Group on Guinea requesting the Secretary-General to establish an international commission of inquiry in cooperation with the African Union and with the support of OHCHR.⁶⁵ On 18 November 2009, the Secretary-General stated that he received commitments in writing from the President and the Prime Minister of Guinea that authorities would cooperate with the International Commission of Inquiry and facilitate its work.⁶⁶

33. On 28 October 2009, in a Presidential statement, the Security Council reiterated the need for the national authorities to fight against impunity, bring the perpetrators to justice, uphold the rule of law, including the respect for basic human rights, and release all the individuals who are being denied due process under the law. The Security Council welcomed the ECOWAS Summit statement supporting the Secretary-General's decision to establish an international commission of inquiry and it took note that the authorities of Guinea have officially committed to support the work of the Commission in secure conditions. The Security Council also took note of the decision of ECOWAS to impose an arms embargo on Guinea.⁶⁷

34. On 17 December 2009, the Secretary-General received the report of the International Commission of Inquiry⁶⁸, which was made public in January 2010. The Commission reported that the Guinean authorities deliberately embarked on the destruction of the traces of the violations committed, with the aim of concealing the facts: cleaning of the stadium, removal of the bodies of the victims of executions, burial in mass graves, denial of medical care to victims, deliberate alteration of medical records and military take-over of hospitals and morgues. This operation created a climate of fear and insecurity among the population.⁶⁹ In addition, the Commission stated that the Government established a National Commission of Inquiry whose strong-arm tactics, particularly those of its military wing, seemed to have intimidated witnesses rather than encourage them to come forward.⁷⁰

35. The International Commission of Inquiry concluded that impunity has been elevated to the level of an institution in the country over the past years.⁷¹ It recommended that Guinea should undertake a truth-seeking exercise in order to shed light on its painful past. As regards the events of 28 September, it recommended that the Government of Guinea be strongly urged to provide the families concerned with all relevant information on the case of persons who have disappeared, that the International Criminal Court should be asked to

investigate the persons alleged to have committed crimes against humanity, that adequate reparation should be made to the victims and that targeted sanctions should be imposed against the principal perpetrators of the violations.⁷²

36. The ILO Committee of Experts recalled that a climate of violence in which murders and disappearances of trade union leaders go unpunished constitutes a serious obstacle to the exercise of trade union rights and that such acts require measures to be taken by the authorities. The ILO Committee requested the Government to provide its observations in this regard.⁷³

37. The Special Rapporteur on summary executions reported that on 2 June 2009 a senior official of the National Council for Democracy and Development publicly announced that armed bandits who were caught red-handed should be burnt alive as the jails and correctional centres could no longer accommodate people. Three days later, human rights groups reported the murder of a man by a group of people who had accused him of theft and beat and burnt him to death.⁷⁴

4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

38. The Special Rapporteur on the right to freedom of opinion and expression sent a letter of allegations based on the information received on 4 January 2008 regarding the closure of two newspapers by the National Communications Council. The closure is allegedly linked to reports published by the two newspapers in December 2007 concerning corruption and abuse of power scandals.⁷⁵ The Special Rapporteur has also sent an urgent appeal regarding the situation of a correspondent for a radio station who has reportedly been arrested, detained by the police and subjected to physical violence during his detention. Before he was freed, the police officers allegedly threatened to “physically eliminate” him if he did not leave the town.⁷⁶

39. The ILO Committee of Experts noted reported assaults, in 2007, by the security forces on demonstrators and strikers, as a result, about 40 persons died and nearly 300 others were injured; trade unionists were arrested and the headquarters of trade unions were destroyed.⁷⁷

40. In January 2007, the Special Rapporteurs on the right to freedom of opinion and expression and on the question of torture drew the Government’s attention to the general strike, which began on 10 January 2007 in Conakry, in protest against the Government and its management of the country. During the strike four persons were killed, many were injured and at least 60 were arrested.⁷⁸ Furthermore, a Minister personally visited a number of private and community radio stations to interrupt any reports on the general strike, threatening to confiscate radio equipment from those stations that did not obey his orders.⁷⁹

41. CEDAW recommended further efforts to increase the number of women in decision-making positions in public administration and in the private sector, and called on Guinea to highlight the importance of women’s full and equal participation in leadership positions for the development of the country.⁸⁰

5. Right to work and to just and favourable conditions of work

42. CEDAW was concerned about the high rate of female unemployment, in particular following the elimination of civil service positions, and was also concerned about occupational segregation and the concentration of women in the low-wage and unskilled labour sectors. It was further concerned about women’s unequal access to employment opportunities, resulting in the overrepresentation of women in the informal sector, which does not provide social protection.⁸¹ The Committee recommended that the State implement

measures to support women's entrepreneurship, including by providing training and access to credit.⁸²

43. The ILO Committee of Experts expressed the need to include in the national legislation, among other things, specific provisions to protect all workers, and not only trade union delegates as provided in the Labour Code, against acts of anti-union discrimination at the time of recruitment and during employment.⁸³

6. Right to social security and to an adequate standard of living

44. CEDAW was alarmed at the persistent high maternal mortality rate.⁸⁴ It recommended that the State undertake appropriate measures to improve women's access to health care and health-related services and information, including access for women who live in rural areas. It called upon the State to improve the availability of sexual and reproductive health services, including family planning information and services, and to achieve the Millennium Development Goal of reducing maternal mortality. It recommended the implementation of a comprehensive, time-bound infant mortality reduction programme, as well as the wide promotion of sex education, with special attention paid to the prevention of early pregnancy, sexually transmitted diseases and HIV/AIDS.⁸⁵ A 2009 United Nations Statistics Division source indicated that the children under-five mortality rate per 1,000 live births was 150 in 2007.⁸⁶

45. CEDAW expressed its concern that widespread poverty among women and poor socio-economic conditions are among the causes of discrimination against women. The Committee was especially concerned about the situation of rural women, particularly in view of their precarious living conditions and lack of access to, among other things, justice, health care, education, credit facilities and community services.⁸⁷ It urged the State to pay special attention to the needs of rural women, and to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. CEDAW called on the State to ensure that a gender perspective is included in all poverty reduction plans and strategies.⁸⁸

46. A 2006 UNDP report indicated that the incidence of poverty was estimated at 53 per cent in 2005 as compared to 49.2 per cent in 2002, with striking disparities, to the detriment of Upper Guinea (67.5 per cent), Middle Guinea (55.4 per cent) and the rural areas (59.9 per cent) as against 23.5 per cent in urban areas. Poor management of public resources, corruption, inadequate knowledge of legislation and poor law enforcement has further aggravated the socio-economic situation.⁸⁹

47. CRC recommended that the State take all appropriate measures to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions.⁹⁰

7. Right to education

48. A 2009 United Nations Statistics Division source indicated that the net enrolment ratio in primary education increased from 72.7 per cent in 2006 to 75.1 per cent in 2007.⁹¹ The 2005 Common Country Assessment indicated that: "discriminatory practices that undermine women's rights are still common... Illiteracy continues to be a cause for concern, in particular among women, despite substantial progress reported in this area."⁹² In 2009, the ILO Committee of Experts requested the Government to supply detailed information, including statistical data, on all measures taken to secure equal access to and participation in general education for women and girls and vocational training for women.⁹³

49. CEDAW was concerned about the very high rate of illiteracy among women and girls, the very low number of girls in higher education, the low level of schooling of girls,

in particular in rural areas, and the high dropout rate of girls, including for such reasons as pregnancy and early and forced marriage.⁹⁴ It recommended that the State implement measures to ensure equal access for girls and women to all levels of education and to ensure the retention of girls in school. It requested the implementation of specific measures to enable girls to complete their schooling after childbirth, and to combat early and forced marriage as obstacles to their education.⁹⁵

8. Migrants, refugees and asylum-seekers

50. UNHCR indicated that refugees in Guinea have the same rights as Guineans, except as regards political and civic rights. Refugees also have access to basic medical and social services and they have the right to an identification document, right to education, right to shelter, right to justice, right to the freedom of movement, and the right to possess a property or goods.⁹⁶ In November 2009, Guinea was hosting 15,330 refugees who were living in two camps in the Forest region (Kouankan 1 and Laine Foromota) of the country and in urban areas such as the capital.⁹⁷

III. Achievements, best practices, challenges and constraints

51. UNHCR observed that Guinea and its population has had to cope with a very large refugee influx during the past decade due to successive outbreaks of armed conflicts in its neighbouring countries. At the height of the crisis in the 1990s, Guinea gave shelter to more than 750,000 refugees, straining already meagre resources even more. In addition, many persons originating from other countries have chosen Guinea as their country of asylum.⁹⁸

52. The 2008 annual report of the Resident Coordinator indicated that: “the new government takes office in a particularly difficult context, in which growing insecurity, impoverishment of the people, corruption in the public administration and violations of human rights could soon lead to major social protest.”⁹⁹

IV. Key national priorities, initiatives and commitments

N/A.

V. Capacity-building and technical assistance

53. CEDAW encouraged the State to seek technical assistance from the United Nations Population Fund and WHO relating to the problem of female genital mutilations.¹⁰⁰ It also called on Guinea to seek technical support from WHO and the Joint United Nations Programme on HIV/AIDS for ensuring the effective implementation of its HIV/AIDS law and policies.¹⁰¹

54. The United Nations Development Assistance Framework 2007-2011 listed expected outcomes, including the promotion of human rights and development of basic social services.¹⁰²

55. The International Commission of Inquiry recommended that the Security Council should remain seized of the situation in the country and that OHCHR should open an office there, at least for 2010. The Commission also recommended that, in order to remedy domestic institutional deficiencies, national and international agencies should consider all possible measures to help Guinea to reform its army and its judiciary.¹⁰³

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.
- ² The following abbreviations have been used for this document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to the Convention on the Rights of Persons with Disabilities |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance. |
- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant.”
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ⁸ Letter dated 18 December addressed to the President of the Security Council by the Secretary-General (S/2009/693), annex, para. 24.
- ⁹ Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/GIN/CO/6), para. 48.
- ¹⁰ S/2009/693, annex, paras. 23 and 45.
- ¹¹ UNHCR submission to the UPR on Guinea, p. 2, available from www.unhcr.org/refworld/pdfid/4b011be518.pdf.
- ¹² *Ibid.*, p. 3.
- ¹³ CEDAW/C/GIN/CO/6, 2007, para. 10.
- ¹⁴ *Ibid.*, paras. 20 and 33.
- ¹⁵ *Ibid.*, paras. 21 and 33.
- ¹⁶ *Ibid.*, para. 14.
- ¹⁷ *Ibid.*, para. 15.
- ¹⁸ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ¹⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009GIN182, eighth paragraph.
- ²⁰ CEDAW/C/GIN/CO/6, para. 7.
- ²¹ *Ibid.*, para. 8.
- ²² *Ibid.*, para. 17.
- ²³ See General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24 of 28 September 2007.
- ²⁴ Letter from the Ministère de l'Enseignement Pré-universitaire et de l'Éducation Civique of the Republic of Guinea dated on 12 April 2007, and letters from the United Nations High Commissioner for Human Rights dated on 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>. See also General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24.
- ²⁵ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ²⁶ Adopted in the absence of the report.
- ²⁷ The communications referred to relate to alleged human rights violations concerning groups of children (child soldiers and migrants) and one woman.
- ²⁸ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business

enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

²⁹ OHCHR 2007 Annual Report, Activities and Results, p. 128.

³⁰ OHCHR 2008 Annual Report, Activities and Results, pp. 8, 68 and 95.

³¹ *Ibid.*, p. 95.

³² CEDAW/C/GIN/CO/6, para. 22.

³³ *Ibid.*, para. 23.

³⁴ *Ibid.*, para. 30.

³⁵ United Nations Statistics Division coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.

³⁶ CEDAW/C/GIN/CO/6, para. 44.

³⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2008, Geneva, doc. No. (ILOLEX) 062008GIN111, para. 1.

³⁸ SG/SM/10514 – AFR/1398, 13 June 2006, available from www.un.org/News/Press/docs/2006/sgsm10514.doc.htm.

³⁹ SG/SM/10849 – AFR/1490, 22 January 2007, available from www.un.org/News/Press/docs/2007/sgsm10849.doc.htm.

⁴⁰ United Nations High Commissioner for Human Rights, press release, 13 February 2007, available from www.unhcr.ch/hurricane/hurricane.nsf/view01/01D4AEE4C7600454C1257281005EB653?opendocument.

⁴¹ SG/SM/10877 – AFR/1502, 13 February 2007, available from www.un.org/News/Press/docs/2007/sgsm10877.doc.htm. See also S/2009/693, annex, paras. 42 and 43.

⁴² United Nations High Commissioner for Human Rights, press release, 30 September 2009, available from www.unhcr.ch/hurricane/hurricane.nsf/view01/76963B60BB898512C125764100538307?opendocument.

⁴³ SG/SM/12502 – AFR/1899, 28 September 2009, available from www.un.org/News/Press/docs/2009/sgsm12502.doc.htm.

⁴⁴ United Nations Office for West Africa, press release (UNOW/2009/010), 30 September 2009, available from www.un.org/unowa/unowa/preleas/pr102009.pdf.

- 45 S/2009/693, p. 2.
- 46 Ibid., p. 3 and annex, paras. 169–253.
- 47 Ibid., p. 2.
- 48 A/HRC/10/9, paras. 167 and 168.
- 49 CEDAW/C/GIN/CO/6, para. 26.
- 50 UNHCR submission to the UPR on Guinea, annex I, p. 1, citing CEDAW/C/GIN/CO/6, para. 27.
- 51 Ibid.
- 52 CEDAW/C/GIN/CO/6, para. 27.
- 53 Ibid., para. 24.
- 54 Ibid., para. 25.
- 55 UNHCR submission to the UPR on Guinea, annex I, p. 1, citing CEDAW/C/GIN/CO/6 para. 29.
- 56 CEDAW/C/GIN/CO/6, 2007, para. 28.
- 57 UNHCR submission to the UPR on Guinea, annex I, p. 1, citing CEDAW/C/GIN/CO/6 para. 29.
- 58 CEDAW/C/GIN/CO/6, para. 29.
- 59 A/HRC/7/12/Add.1, paras. 97, 98 and 101.
- 60 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092009GIN182, tenth paragraph.
- 61 Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 100), para. 32.
- 62 United Nations High Commissioner for Human Rights, press release, 24 January 2007, available from www.unhcr.ch/hurricane/hurricane.nsf/view01/9F0C1CBFA848E82FC125726D00585129?opendocument.
- 63 United Nations High Commissioner for Human Rights, press release, 30 September 2009, available from www.unhcr.ch/hurricane/hurricane.nsf/view01/76963B60BB898512C125764100538307?opendocument. See also S/2009/693, annex, para. 165.
- 64 SG/SM/12550 – AFR/1899, 16 October 2009, available from <http://www.un.org/News/Press/docs/2009/sgsm12550.doc.htm>.
- 65 S/2009/693, p. 5.
- 66 SG/SM/12611 – AFR/1902, 18 November 2009, available from www.un.org/News/Press/docs/2009/sgsm12611.doc.htm.
- 67 S/PRST/2009/27, 28 October 2009; SG/SM/12676 – AFR/1921, available from www.un.org/News/Press/docs/2009/sgsm12676.doc.htm.
- 68 S/2009/693, annex.
- 69 Ibid., p. 2.
- 70 Ibid., p. 3.
- 71 Ibid., annex, para. 262.
- 72 Ibid., p. 3.
- 73 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009GIN087, first paragraph.
- 74 A/64/187, para. 32.
- 75 A/HRC/11/4/Add.1, paras. 998–1000.
- 76 Ibid., paras. 1002–1003.
- 77 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 062009GIN087, para. 1.
- 78 A/HRC/7/14/Add.1, para. 245.
- 79 Ibid., para. 247.
- 80 CEDAW/C/GIN/CO/6, para. 31.
- 81 Ibid., para. 36.
- 82 Ibid., para. 37.
- 83 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009GIN098, third paragraph.
- 84 CEDAW/C/GIN/CO/6, para. 38.
- 85 Ibid., para. 39.

- ⁸⁶ United Nations Statistics Division coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.
- ⁸⁷ CEDAW/C/GIN/CO/6, para. 42.
- ⁸⁸ *Ibid.*, para. 43.
- ⁸⁹ DP/DCP/GIN/1, paras. 2 and 4.
- ⁹⁰ CRC/C/15/Add. 100, para. 21.
- ⁹¹ United Nations Statistics Division coordinated data and analyses, available from <http://mdgs.un.org/unsd/mdg>.
- ⁹² United Nations Country Team, Common Country Assessment of Guinea, 2005, pp. 6 and 7, available from www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=GUI&fuseaction=UN%20Country%20Coordination%20Profile.
- ⁹³ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009GIN111, fifth paragraph.
- ⁹⁴ CEDAW/C/GIN/CO/6, para. 34.
- ⁹⁵ *Ibid.*, para. 35.
- ⁹⁶ UNHCR submission to the UPR on Guinea, p. 2.
- ⁹⁷ *Ibid.*, p. 1.
- ⁹⁸ *Ibid.*, p. 1.
- ⁹⁹ Resident Coordinator, Annual Report 2008, p. 1, available from www.undg.org/RCAR/2008/finalized/pdfs/RCAR_2008_GUI_NAR.pdf.
- ¹⁰⁰ CEDAW/C/GIN/CO/6, para. 25.
- ¹⁰¹ *Ibid.*, para. 39.
- ¹⁰² United Nations Development Assistance Framework 2007-2011, 2006, p. 3, available from www.undg.org/archive_docs/8298-Plan-Cadre_des_Nations_Unies_pour_l_Aide_au_D_veloppement__2007-2011_.doc.
- ¹⁰³ S/2009/693, p. 3.
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