



Convention on the Rights of the Child

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Summary record of the 1765th meeting

Held at the Palais Wilson, Geneva, on Friday, 18 January 2013, at 3 p.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 3.15 p.m.

Consideration of reports of States parties *(continued)*

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

1. *At the invitation of the Chairperson, the delegation of Guinea took places at the Committee table.*
2. **Mr. Keita** (Guinea) said that under the Children's Code, the period for registration of births had been extended from two weeks to six months. The forthcoming revision of the Children's Code would harmonize and bring into line many of the legal provisions currently contained in other enactments, which, as the Committee had noted, sometimes lacked consistency. The Ministry for Social Affairs, the Advancement of Women and Children's Affairs had a follow-up and evaluation unit which, notwithstanding its lack of resources, had been up and running for three years and drew up statistical and other evaluations of child protection in Guinea on the basis of a database. The unit produced a yearbook on the subject, applying nine basic indicators ranging from birth registration to female genital mutilation, children in conflict with the law and other forms of exploitation and violence.
3. **Mr. Camara** (Guinea) said that the follow-up and evaluation unit had recently attained the status of a division within the Ministry, which should facilitate its work.
4. **Mr. Keita** (Guinea) said that the majority of children requiring special education were not institutionalized, as there was a strong sense of solidarity in Guinean society and extended families were traditionally very supportive. Most children thus were supported by family members. The delegation would provide the health statistics requested by the Committee in writing. The education sector programme, supported by the World Bank and bilateral partners, was insufficient to ensure that all children obtained a full primary education. The entry age for primary education had recently been lowered from 6 years to 5.
5. **The Chairperson** (Country Rapporteur) noted that the number of children taking part in preschool activities was particularly low. Were there any plans to make progress in that regard?
6. **Mr. Keita** (Guinea) said that while nursery schools and kindergartens were available in cities, in rural areas preschool education was generally given at community childcare centres, which attracted funding from the Government and from development partners. Some 500 centres had been built or set up, including dozens in 2012. One of the challenges the centres faced was the fact that the staff, unlike teachers at primary schools, were not on the State payroll and had to be paid from community budgets. The centres had been built in the hope of making it possible for mothers and other family members to obtain paid employment, but some were unfortunately underutilized or not used at all owing to the failure to secure such funding from the local community. The main focus of the Government remained the provision of primary and secondary education.
7. **The Chairperson** asked whether the problem was a lack of funding or a lack of qualified staff.
8. **Mr. Keita** (Guinea) said that the Government and its development partners provided training to enough new teachers to staff the community childcare centres. The problem resided in securing funding from the local communities.
9. **Ms. Al-Asmar** asked which Ministry was responsible for the community childcare centres.

10. **Mr. Keita** (Guinea) said that all preschool programmes were implemented under the auspices of the Ministry for Social Affairs, the Advancement of Women and Children's Affairs.

11. **Mr. Traoré** (Guinea) said that in addition to programmes run by that Ministry, there were also some private initiatives that set up day-care centres, nursery schools and kindergartens that were self-financed, generally in urban areas. The Ministry had established standards to maintain the quality of the care and education provided at such institutions.

12. **Mr. Camara** (Guinea) said that the children's court was indeed a court of law that currently tried cases. However, it faced certain difficulties. It had no premises of its own, but operated on the site of a court of first instance. It was composed of a president, a juvenile judge and examining magistrates. However, no one from the prosecutor's office was currently assigned to it. While associate judges had been appointed to the court, they were often absent from proceedings. The children's court also lacked a visiting magistrate or probation judge, but a presidential decree was currently being drawn up to remedy that situation.

13. The Government had held national consultations on the justice system in 2011, at which it had been recommended that efforts should be made to ensure that sufficient trained personnel would be available for the courts, including the children's court. A recruitment drive was thus currently under way, and the European Union was assisting in the training of new judges as part of the reform of the justice system.

14. There was just one children's court, located in the capital. In other areas of the country, it was the judge of the court of first instance or the district judge who designated a juvenile judge.

15. At the central prison in Conakry, children were held in a children's ward, separately from hardened criminals. The vast majority of decisions handed down by the children's court related to the placement of children in a few institutions that operated with the help of religious groups, and did not involve imprisonment. The institutions themselves were too few in number, were sometimes overcrowded and required assistance.

16. **The Chairperson** asked whether any alternative sanctions were available to the juvenile judge.

17. **Mr. Camara** (Guinea) said that while there were no legal provisions governing community service work, in practice it was sometimes assigned to minors, always with due consideration for the age of the person in question. The steering committee for the reform of the justice system had established certain priorities, one of which consisted in aligning the Children's Code with the Labour Code, which would also bring the legislation more into line with the country's international obligations in that regard.

18. **The Chairperson** said that the Committee had received information that it was very difficult for children in conflict with the law to receive legal aid.

19. **Mr. Camara** (Guinea) said that if a minor's parents were unable to provide the child with legal support, the judge designated a lawyer to protect the child's rights. Civil society organizations were also active in that field. For example, Terre des Hommes had established a network of lawyers to act in such situations.

20. **Mr. Gastaud** asked whether the main prison in Conakry currently detained any children who were 13, 14 or 15 years of age, and if so, whether they had been convicted and sentenced under the Children's Code.

21. **Mr. Traoré** (Guinea) said that the delegation currently did not have such information, but it would send it later.

22. **Mr. Camara** (Guinea) said that there were more children in pretrial detention at the Conakry prison than convicted children. While the Children's Code called for four sessions of the children's court per year, since 2008 very few sessions had been held. The juvenile section of the prison was becoming unmanageable, and some children were detained with certain adult prisoners.

23. **The Chairperson** expressed the deep concern of the Committee about the excessively long periods of pretrial detention that resulted from the failure to hold such sessions. Pretrial detention, even in the case of suspects accused of very serious crimes, must be used only to prevent the risk of flight, repeat offences or the destruction of evidence, for instance. In the absence of such considerations the suspects must be released pending trial. Children should never be held with adult detainees. The treatment by the judicial system of children should be better, not worse, than that reserved for adults.

24. **Mr. Camara** (Guinea) said that he agreed that the procedure was too slow. Because there was no prosecutor assigned to the children's court, in order for investigating judges to release minors pending trial they had to refer the cases to prosecutors from ordinary courts. The Government intended to remedy that situation with the reform of the Children's Code.

25. **Mr. Keita** (Guinea) said that one of the challenges facing primary schoolchildren in rural areas was the large distances that separated their schools from their homes, which led to high dropout rates. To encourage them to remain enrolled, most rural schools had been equipped some 10 years previously with school canteens. Approximately 60 to 70 per cent of the activities of the World Food Programme focused on school meal projects at some 2,000 such school canteens.

26. Because of a lack of infrastructure and overcrowding at schools, the Ministry of Education had instituted a shift system, whereby students were enrolled for half days. While the toilet facilities at most educational establishments were separate for girls and boys, they were often poorly maintained and were not renovated as they should be, resulting in unhygienic conditions that discouraged children from attending school. The lack of maintenance and renovation was due to the fact that Guinea had for years been excluded from development assistance, but as the assistance was now once again arriving it was hoped that conditions at schools would soon improve.

27. **Ms. Nores de García** (Country Rapporteur) expressed dissatisfaction with the fact that by instituting two half-day shifts at schools, the Government had reduced the number of hours of schooling for children in rural areas. The use of violent methods in schools was apparently quite widespread. What plans did the Government have to deal with such problems?

28. **Mr. Keita** (Guinea) said that a new education sector programme currently being drawn up would be launched in 2013 to address the problems affecting the quality of education and school attendance. Campaigns had been conducted to reduce school violence, including a programme implemented by Plan, an NGO, entitled "I am a girl but I have rights", and the European Union was currently issuing calls for offers for programmes to reduce violence in families, schools and institutions. Guinean NGOs and a number of West African Governments, including his country's, had already expressed interest in implementing such activities.

29. **The Chairperson** expressed surprise that there were no specific laws that prohibited the use of violence in the home, schools and institutions, and that the use of violent means to discipline children was still so prevalent.

30. **Mr. Keita** (Guinea) said that the Children's Code prohibited violence against children, as did a ministerial decree from the Ministry of Education. The decree included

wording that encouraged children or their parents to file complaints in the event of any violent treatment at school.

31. **The Chairperson** said that the Committee was concerned about the fact that legislation in the State party did not specifically prohibit corporal punishment, but rather appeared to encourage its use in schools as a means of disciplining pupils.

32. **Mr. Keita** (Guinea) said that many children did not report incidents of corporal punishment because they were afraid of being excluded from school if they did so. He had little information on the prevalence of noma in the country, but was fairly certain that it was not as extensive as malaria or tuberculosis, for instance.

33. **The Chairperson** said that noma was a disease that not only led to facial disfigurement but could also be fatal if left untreated.

34. **Mr. Keita** (Guinea) said that the Government would examine ways of dealing with the spread of noma and would raise the question with the appropriate bodies when reviewing the delegation's dialogue with the Committee.

35. **Mr. Traoré** (Guinea) said that certain premises had been rented for use as classrooms in order to ease overcrowding at some schools.

36. **Mr. Keita** (Guinea) said that a consultative council for children and young people, comprising 41 young people, had been established in Guinea and was working on a three-year action plan. The high level of infant and maternal mortality was due largely to the inadequacy of health-care infrastructure. The absence hitherto of medical personnel in the interior of the country was being remedied by the training of such personnel in all the regional capitals.

37. **Ms. Lee** said that she would like to know whether schoolteachers received training on how to deal with violence and whether the rights of the child were included as a subject in the school curriculum. She also wished to know where and for how long teachers received their training.

38. **Mr. Keita** (Guinea) said that eight teacher training institutes had been established throughout the country. The courses took three years and were supplemented with practical training.

39. **The Chairperson** asked whether teaching was sufficiently well remunerated to attract people to the profession.

40. **Mr. Keita** (Guinea) said that teachers' salaries were higher than those of other civil servants, and that teachers received bonuses for accepting posts in remote parts of the country. The State party was concerned about the issue of violence in schools and legal reform in the coming years would take account of those concerns.

41. Currently there were only two special schools for pupils with disabilities, one for the visually impaired and the other for the speech-hearing impaired. The Government was developing a comprehensive programme of inclusive education with a view to establishing mixed classes of pupils with and without special needs. Before that could happen, however, infrastructure and public transport had to be rendered accessible. A plan to provide free public transport for disabled pupils was being studied.

42. **Mr. Cardona Llorens** asked whether any steps had been taken to train general education teachers in special education needs. Inclusive education meant more than simply placing children with disabilities in mainstream classes. He also asked whether new schools would be accessible to pupils with disabilities.

43. **Mr. Keita** (Guinea) said that the inclusive education programme was in the development stage and that it had received backing from the country's international

partners. A national directorate for inclusive education had been set up within the Ministry for Social Affairs, the Advancement of Women and Children's Affairs.

44. **Mr. Cardona Llorens** asked whether the provision of education for children with disabilities was thus considered to be a matter of social rather than education policy.

45. **Mr. Keita** (Guinea) said that various areas of education planning, including preschool education, were the shared responsibility of that ministry and the Ministry of Education. The contribution by the Ministry for Social Affairs, the Advancement of Women and Children's Affairs should be seen as complementary to the work of the Ministry of Education. The situation of the visually and speech-hearing impaired required special attention and separate facilities, but pupils with motor disabilities were perfectly capable of learning alongside children without disabilities.

46. **The Chairperson** said that the number of ministries responsible for education policy in the State party suggested that the Government's approach to the matter was fractured and needlessly complex.

47. **Mr. Keita** (Guinea) concurred and said that the Government intended to look at ways of simplifying the approach to education policy.

48. **Ms. Nores de García** asked whether the State party had plans to improve the overall situation of children with disabilities, 80 per cent of whom had no access to education or health care.

49. **Mr. Traoré** (Guinea) acknowledged that the State party was confronted by considerable difficulties with regard to making buildings and public transport accessible to people with disabilities, but gradual progress was being made.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

50. **Mr. Keita** (Guinea) said that efforts in recent years to combat the practice of female genital mutilation had been greatly set back by widespread rumours that the failure to carry out such excisions would result in fatal illnesses. The rumours had fuelled a noticeable increase in the practice in 2011. Under the law, performing female genital mutilation on minors carried severe penalties. The Government was working with local religious leaders and international NGOs to contain the phenomenon. More international aid was needed to bolster those efforts.

51. **The Chairperson** suggested that there might be a need to alter social attitudes towards women.

52. **Mr. Traoré** (Guinea) said that the practice of female genital mutilation was deeply established in tradition. It was difficult to explain to a largely illiterate population that it could be prejudicial to women's health. The religious authorities were at one with the Government in its opposition to the practice, but changing social attitudes would take time. There had only been one conviction for the performance of female genital mutilation. The perpetrator had been sentenced to 2 months' imprisonment.

53. **Mr. Keita** (Guinea) pointed out that such cases were brought before the courts but that they were almost always thrown out. Turning to the matter of breastfeeding, he said that public awareness-raising campaigns had been successful in encouraging women to breastfeed their babies for the first six months. Women unable to breastfeed were referred to an infant nutrition centre in Donka.

54. Some 2,000 young people, 350 of them children, had been caught up in armed conflict in 2000–2001, when the State party had been attacked by forces from Liberia and Sierra Leone. All those young people had been demobilized and assisted with reintegration into society and had received vocational training with the help of the United Nations

Children's Fund (UNICEF) and the German Agency for Technical Cooperation (GTZ). Military service was voluntary, and the minimum age for recruitment to the armed services and security forces was 18. Some children aged 14 to 15 were selected to attend military schools in other African countries. Generally they did not pursue a military career on their return to Guinea, but used the education to go on to university.

55. There was no pressure on children in terms of religion. Although many children professed a particular religion, they often did not actively practise it. There was no coercion of children, and the delegation was not aware of any children being persecuted because they did not go to the mosque or attend church.

56. **Mr. Traoré** (Guinea) said that the phenomenon of trafficking in persons, especially women and children, was a real concern in his country, and that the Government had taken measures to combat it. For instance, in 2005 a bilateral agreement had been signed with Mali to combat trafficking in persons, especially children. Experts from both countries met regularly to examine the level of implementation of the agreement. At the subregional level, the member States of the Economic Community of West African States had entered into a multilateral agreement to combat trafficking in children. There was also a cooperation agreement between the countries of West Africa and Central Africa. Efforts were also continuing at the domestic level. With the support of the United Nations Office on Drugs and Crime, a model law on trafficking in persons had been drafted and would be referred to the National Assembly for adoption. Guinea needed the support of development partners to strengthen its efforts to combat trafficking in persons, as it did not have the resources to ensure systematic border control and a computerized data-collection system, for example.

57. **The Chairperson** asked what provision was made for street children, including *talibé* children.

58. **Mr. Traoré** (Guinea) said that street children were picked up during police patrols and charged with vagrancy; the children's court was then informed, and usually took a decision to place them in reception centres. Those centres faced major challenges, however, including overcrowding and a lack of resources. Civil society organizations worked together with the Government in that area, and had also established centres. No statistics were available on *talibé* children, who were assigned to a master to learn the Koran but were often given tasks not linked to their studies. At present, the phenomenon was not considered a major problem.

59. **Mr. Keita** (Guinea) said that there were concerns with regard to street children. The *talibé* phenomenon was not visible in the larger cities, but rather along the border with Senegal. The Swiss Foundation of the International Social Service had carried out a major pilot study on children on the move in four West African countries, including Guinea. The study had found that Guinean children often voluntarily migrated for example to Mali, Senegal and Côte d'Ivoire in search of a better life. The Government had launched a review of its national child protection policy to take that phenomenon into account.

60. Guinea had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2001, and was now developing cooperation with a number of receiving countries and putting in place mechanisms to provide a stronger framework for adoption. The establishment of an international adoption board had recently been approved. All of those measures were aimed at combating the illegal removal of children from the country. Guinea had also acceded to the Hague Convention on the Civil Aspects of International Child Abduction in 2011 and was now discussing international cooperation with various other countries.

61. **The Chairperson** asked whether the central authority for intercountry adoption was an independent body or was attached to a ministry.

62. **Mr. Traoré** (Guinea) said that the Ministry for Social Affairs, the Advancement of Women and Children's Affairs acted as the central authority, but would delegate competence to the new board, which would have a permanent secretariat and would be composed of representatives of the main ministries and members of the Bar.

63. **The Chairperson**, returning to the issue of juvenile justice, asked the delegation to comment on allegations of ill-treatment and torture of children held in police custody.

64. **Mr. Keita** (Guinea) said that the Government was concerned about reports of abuse, particularly against children, during preliminary investigations. While there were reports in the press, they did not constitute formal allegations against a particular service. There were recurring allegations in the reports of human rights defence organizations. Efforts had been made over the past two years to ensure that the rights of detained people would be respected. For instance, a law had been introduced to ensure that suspects would have access to a lawyer as from the preliminary investigation. However, there was a lack of awareness of that provision.

65. **The Chairperson** asked whether the investigating judge would refuse to proceed if the suspect was not represented by a lawyer.

66. **Mr. Traoré** (Guinea) said that although the presence of a lawyer in the preliminary investigation stage was a legal requirement, the country had a shortage of lawyers, which resulted in delays and extended pretrial detention. Efforts were being made to train additional legal professionals.

67. **Ms. Nores de García** asked for information on the mechanism in place to allow children or their parents to report violations of their rights.

68. **Mr. Pollar** asked whether there was an ombudsman or other independent mechanism to deal with reports of violations of children's rights at madrasas or military schools.

69. **Mr. Traoré** (Guinea) said that the Children's Code allowed for complaints to be submitted to the children's court by either the victims themselves or their guardians or civil society organizations.

70. **Mr. Keita** (Guinea) said that many children in Guinea studied under marabouts, and the possibility of abuse or violence in that context could not be ruled out. The Children's Code provided for the appointment of children's ombudsmen and representatives. However, that provision had not yet been implemented, as the Ministry for Social Affairs, the Advancement of Women and Children's Affairs, from which the ombudsmen were to be recruited, did not have the necessary staff. The plan was to have a children's ombudsman in every municipality who could deal with cases of abuse in madrasas, for instance. There was a deep-rooted, socially accepted tradition of using the whip in the teaching of the Koran, and that had to change to ensure that there was no violence against children in madrasas. Efforts were under way to introduce modules related to the Convention on the Rights of the Child into the curriculum of the police and gendarmerie schools. The Office of the United Nations High Commissioner for Human Rights had held a workshop on the introduction of human rights in general into the military and police schools.

71. **Ms. Nores de García** said that Guinea had made genuine efforts in recent years to attain a series of objectives and introduce human rights into the daily life of its inhabitants, especially children. At the root of many of the problems discussed during the dialogue was the influence of customary law. The State party should therefore place greater emphasis on ensuring that written laws prevailed over customary law. In the Committee's view, it was necessary not only to enact laws, but to penalize those who infringed them so as to change mentalities.

72. The Committee hoped that the review of the Children's Code would harmonize the different definitions of the child and result in the effective abolition of the death penalty and the prohibition of corporal punishment. The Committee was also concerned about harmonization of the Children's Code with other laws, such as the Civil Code and Criminal Code. It was very important to establish an independent human rights body, in accordance with the Paris Principles, to investigate cases of violations of children's rights.

73. Despite the State party's scarce resources, the Committee hoped that it would be able to increase funding in areas related to children's rights. There should be a much stronger focus on combating corruption so that the country's limited resources could be used more effectively.

74. Renewed efforts needed to be made to register all births in the country. Efforts should also be strengthened to prevent violence against children and to put an end to early marriages and female genital mutilation. It was also necessary to strengthen policies for children with disabilities in order to integrate them in daily life. Work should also be carried out in the area of juvenile justice, both in terms of institutions and legislation.

75. The Committee looked forward to receiving the State party's report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and called on Guinea to sign the Optional Protocol on the involvement of children in armed conflict and the most recent Optional Protocol, on a communications procedure.

76. **Ms. Diakite** (Guinea) thanked the Committee members and said that the Committee's recommendations would be broadly disseminated and would be implemented as part of Guinea's commitment to bring about real change in the lives of its people, particularly children. Her delegation wished to take the opportunity to call on the development partners to increase their support for children.

77. **The Chairperson** thanked the delegation for the information and clarifications provided. The Committee expected its recommendations to be disseminated to all relevant parties and to be implemented. He hoped that the dialogue with the Committee would prove useful for Guinea and its children.

The meeting rose at 5.40 p.m.