



Convention on the Rights of the Child

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Consideration of reports submitted by States parties under article 44 of the Convention

Second periodic reports of States parties due in 1997

Guinea*

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I. Introduction

1. On 20 November 1989, with the unanimous adoption by the General Assembly, at its forty-fourth session, of the Convention on the Rights of the Child, the international community took a major step towards recognizing the need to respect the dignity and fundamental rights of the world's children, including the right to survival, protection, development and participation.
2. This universal treaty is founded on the principle that all children have the right to benefit from measures to ensure their welfare and development so that they become active and responsible members of society. When adults, through government, adopt the necessary measures to guarantee children's rights, they do so not out of goodwill or charity but because they are fulfilling obligations freely entered into.
3. The Republic of Guinea became the fourteenth State party to this important universal treaty upon ratifying it without reservation on 10 April 1990. It submitted its initial report on 29 January 1999 in Geneva. Civil society also submitted a shadow report on that occasion. Programmes and projects put in place for the survival, development, protection and participation of children have progressed considerably, although the country still falls short of the Millennium Development Goals.
4. Regarding survival, the mortality rate of children under 5 dropped from 235 to 161 per 1,000 live births between 1990 and 2005. The prevalence rate of HIV has been held constant at approximately 1.5 per cent.
5. Regarding development, net school enrolment rose from 51 per cent to 70 per cent between 2000 and 2007.
6. As for protection, efforts to combat child trafficking and violence against children have yielded increasingly satisfactory results in recent years.
7. As for participation, the Children's Parliament, which was set up in 2001 despite the pressure of old-fashioned attitudes, allows children to be involved in all actions that concern them.
8. Key programmes will be implemented by the 2015 deadline under the country's poverty reduction strategy. It is hoped that these will enable Guinea to meet most of the Millennium Development Goals.
9. This report is the result of a successful partnership between the Guinean Committee on the Protection of Children's Rights and the United Nations Children's Fund (UNICEF). Representatives of all social and occupational strata, especially children and civil society, contributed to its preparation.
10. The report is submitted in accordance with the provisions of article 44 of the Convention on the Rights of the Child and the general reporting guidelines adopted by the Committee on the Rights of the Child at its thirty-ninth session. It describes the measures taken between 10 May 1990 and September 2007 to implement the provisions of the Convention, which Guinea formally ratified on 10 April 1990.

Replies to some of the concerns expressed by the Committee on the Rights of the Child in its concluding observations (CRC/C/15/Add.100) on the initial report of Guinea, adopted at its 531st meeting, held in Geneva on 29 January 1999

11. The Government of the Republic of Guinea has taken due note of the Committee's comments and suggestions and wishes to reassure the Committee that efforts are being made to bring domestic legislation into line with the Convention.

II. Section D of the concluding observations: Principal subjects of concern and the Committee's recommendations

12. The Government of the Republic of Guinea has taken due note of the Committee's recommendations regarding its concern that domestic legislation does not fully reflect the principles and provisions of the Convention.

13. The Government has been very much engaged in drafting a comprehensive piece of legislation on children's rights that collates all the legal provisions previously dispersed across different laws. The Children's Code is awaiting ratification by the National Assembly. The Government wishes to reassure the Committee that efforts have been made to bring domestic legislation into line with the provisions of the Convention.

14. The Guinean Committee on the Protection of Children's Rights has set up three bodies to enable it to fully implement its coordination and monitoring mandate:

(a) A board composed of 20 statutory members representing decision makers from the relevant ministries (health, education, protection, children's affairs, finance, etc.), government bodies (the National Communications Council and the National Assembly) and civil society. The board members discuss the issues raised by the commissions;

(b) Six commissions appointed by the board and composed of officials from the board members' respective bodies. The remit of the commissions is to carry out all activities requested by the board in connection with the implementation of the Convention on the Rights of the Child;

(c) A permanent secretariat which is responsible for typing, formatting and disseminating documents approved by the board.

15. The fundraising commission will be tasked with establishing procedures, alongside government departments, the private sector and bilateral and multilateral cooperation agencies, for collecting the financial and material resources needed to implement the Convention.

16. It should be noted that Guinea's administrative decentralization policy also applies to material and financial resources.

17. The Government has made significant efforts to raise awareness among, and provide training for, professionals working with or helping children.

18. Training programmes have been designed and implemented for judges and justice officials to familiarize them with the Convention, and particularly articles 37 and 40, and to familiarize members of the Armed Forces with the Optional Protocol on the involvement of children in armed conflict.

19. Every military garrison now has a Convention focal point.

III. Definition of a child (art. 1)

20. Every human being below the age of 18 years is a child. Every child shall be registered immediately after birth and has the right to life, a name, a nationality, education and health.

IV. General principles (arts. 2, 3, 6 and 12)

A. Article 2 of the Convention: Non-discrimination

21. Guinean legislation does not distinguish between children except in matters of inheritance. Under the law, legitimate children (girls and boys alike) have an equal right to inherit from their parents (father or mother). Illegitimate children or children born of an adulterous relationship who have been legitimated by marriage are entitled to inherit in the same way as illegitimate children who have been recognized. Article 494 of the Civil Code states that a child whose biological father was not married to the mother at the time of conception is entitled to inherit from him, provided that he has recognized the child. Such a child has the same rights as a legitimate child. All illegitimate children inherit from their mother.

22. A child born of an incestuous relationship can only receive maintenance (Civil Code, art. 378). The same applies to a child born of an adulterous relationship who has not been legitimated. However, where illegitimacy is mainly the result of racial or religious discrimination, an illegitimate child has the same rights as a legitimate child.

23. It can therefore be stated that the Guinean Civil Code discriminates on grounds of birth insofar as legislators have taken the sociocultural context into consideration.

24. In the customs and practices of the Muslim community, which makes up more than two thirds of the population, illegitimate children and those born of adulterous or incestuous relationships are not always entitled to inherit from their supposed father, even if the latter has recognized them. It is also customary for girls not to inherit from their father, although the law does not discriminate on grounds of gender.

25. Progress has been made in establishing a number of bodies to help children, and a good deal of work has gone into vaccinating all children in both urban and rural areas, including child refugees and displaced children living in camps, providing legal protection and assistance to children in conflict with the law and addressing the issues of children with disabilities and street children.

26. In terms of school enrolment, the Forum of Women Educators in Guinea, Plan Guinée, the National Equity Committee, all ministries with an education portfolio and non-governmental organizations (NGOs) have collaborated on a programme to promote basic quality and equity standards that has boosted the enrolment of girls.

27. The legal age of marriage has been fixed at 18 years for both boys and girls. Guinea has ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138); the ILO Worst Forms of Child Labour Convention, 1999 (No. 182); the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; and the optional protocols to the Convention on the Rights of the Child (on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict).

28. In fact, the law has outstripped reality; hence the need to conduct broad awareness-raising and information campaigns to educate the population, the authorities and civil society about taking better account of the situation of children in their daily activities.

B. Article 3 of the Convention: The best interests of the child

29. Legislators have always considered the best interests of children in matters ranging from guardianship to adoption and parental separation (as a result of divorce or death).

30. The best interests of the child are safeguarded by Guinean legislation, particularly:

- Act No. L/2001/021/DN of 10 December 2001 ratifying and promulgating the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

31. Article 403 of the Civil Code stipulates that the biological mother is the statutory representative of her minor children.

32. Anyone who finds an abandoned newborn must hand the child over to the registrar, along with the clothing and any other items found with the baby, stating when and where the baby was found. A detailed report is prepared, indicating the sex, estimated age and names of the baby, and the civilian authority to which the child will be handed over. The report is entered in the civil registry.

33. The Civil Code provides that a representative of the family council is appointed in every guardianship case to oversee the guardianship arrangements and represent minor wards when their interests conflict with those of the guardian.

34. Under article 412 of the Civil Code, the following individuals cannot be appointed as guardians or members of the family council:

- (a) Minors, unless they are the father or mother;
- (b) Persons deprived of legal capacity;
- (c) Any individual who is, or whose parents are, involved in a lawsuit with the minor ward in which the condition, wealth or a significant part of the ward's assets are disputed.

35. The following are also excluded *ipso jure* from guardianship:

- Any individual convicted of a felony
- Any individual of manifest immorality
- Any individual whose conduct demonstrates incapacity or disloyalty

36. The best interests of the child are also protected in article 5 of the Labour Code, which stipulates that a child must be at least 16 years old to enter into an employment contract, in accordance with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and Minimum Age Convention, 1973 (No. 138), both ratified and promulgated by Act No. L/2001/023 of 10 December 2001.

37. Article 148 of the Labour Code prohibits women and children from working at night.

38. Furthermore, the Labour Code states that all masters supervising an apprentice must be at least 21 years of age (art. 31); that an underage female apprentice may not live with a single, widowed or divorced male master (art. 32); and that all masters must be of good behaviour (art. 33).

39. Under article 341 of the Criminal Code, any person who takes advantage of a minor's neediness, weakness or eagerness to force the minor, to the latter's detriment, to sign an agreement, receipt or release for a loan, movables or negotiable instruments or any other obligations, irrespective of the conditions or guise under which the transaction takes place, shall be liable to 6 months' to 5 years' imprisonment and a maximum fine of 250,000 Guinean francs.

40. Any individual who attends a birth and does not register the newborn within the period stipulated in the Civil Code shall be liable to 16 days' to 6 months' imprisonment and a fine of 5,000 Guinean francs.

41. In the event of divorce, custody of children under the age of 7 is awarded to the parent best able to care for them, without prejudice to the visitation rights of the other parent.

42. In sum, legislators were determined to consider the best interests of the child long before Guinea ratified the Convention, as demonstrated by the establishment of bodies to coordinate action to help children in need of special protection. Such bodies address all matters relating to the best interests of all vulnerable children, including child refugees and displaced children (regardless of whether they are of Guinean or foreign nationality), child workers, children with disabilities and children in conflict with the law.

V. General measures of implementation (arts. 4, 42 and 44, para. 6)

43. The poverty reduction strategy paper adopted by the Government in January 2002 offers a solid basis and adequate framework for promoting economic development and poverty reduction.

44. The strategy revolves around three main objectives:

- (a) Accelerated growth with increased job opportunities and incomes for the poor;
- (b) Expansion of, and equal access to, basic social services;
- (c) Improved governance and stronger institutional and human capacity.

45. Economic development will be achieved by stabilizing the macroeconomic situation, improving basic infrastructure (water, electricity, transport and telecommunications), supporting growth industries (rural development, mining, tourism, handicrafts, and small and medium-sized enterprises) and reinforcing the institutional and legislative apparatus as well as human resources (improved justice system, anti-corruption measures and capacity-building).

46. The system set up to spur economic growth and reduce poverty was strengthened in 2005 by the inclusion of new ideas in the second poverty reduction strategy paper, such as a feasibility study on an integrated trade framework, which incorporates a matrix of priority actions dating from 2004 and the national employment policy and national food security strategy (both from 2003).

47. However, an assessment of the progress made in the last three years shows that the implementation of the poverty reduction strategy has run into difficulties, particularly in relation to the subregional context, external fundraising and the economic and fiscal management of the country.

48. The country's economic and financial situation has deteriorated markedly since the end of 2002: growth has slowed and the macroeconomic context has been highly unstable.

49. Domestically, the most significant problems are water and electricity shortages, the worsening budget deficit and inflation. In 2003, the contribution to gross domestic product (GDP) of the water and electricity sectors fell by 5.5 per cent, as compared with a 3 per cent rise in 2001 and 2002. The contribution to GDP growth of the manufacturing sector, which is highly dependent on water and electricity, was 4 per cent in 2003 and was forecast to be less than 1.5 per cent in 2004, as compared with 5.5 per cent in 2001 and 5.9 per cent in 2002.

50. The overall balance (on the basis of commitments, grants excluded) rose from -6.2 per cent of GDP to 7.9 per cent in 2002. It was expected to be limited to -4 per cent in 2004, thanks mainly to restrictions on public spending, including in priority areas. Additional strains include higher treasury borrowing from the central bank, a drastic drop in foreign currency reserves, continued depreciation of the Guinean franc and the steady rise in prices since 2003. The year-on-year consumer price index swelled from 3 per cent in 2002 to 14.8 per cent in 2003 and 17.5 per cent in 2004.

51. Expenditure on macroeconomic management has had severe consequences on attracting external financing and implementing the poverty reduction strategy. The triennial programme agreed with the International Monetary Fund for 2002–2004 was suspended in 2003, as was the fundraising planned under the Heavily Indebted Poor Countries Initiative. Guinea has not been granted any financial support since the end of 2002. Moreover, in 2004, several development partners (the African Development Bank, the French development agency, the International Fund for Agricultural Development, etc.) suspended their contributions to programmes and projects under way at the time, owing to the difficulty Guinea had in servicing its debt.

52. Ongoing conflict situations in the subregion and deteriorating terms of trade (resulting from falling prices for the country's main exports combined with the price of oil products) are also among the factors that have had an adverse effect on Guinea.

53. Owing to the combined effect of these various factors, Guinea's real GDP growth was particularly low in 2003 and 2004 (1.2 per cent and 2.5 per cent, as compared with 3.8 and 4.2 per cent, respectively, in 2001 and 2002). On the social front, skyrocketing prices, resulting from the rise in oil prices and the continuing depreciation of the Guinean franc, seriously eroded consumers' purchasing power, particularly among the poorest.

54. This disappointing growth, compounded by high inflation, is the biggest obstacle to reducing poverty and reaching the Millennium Development Goals. It considerably limits job and income opportunities and places a significant strain on consumers' purchasing power, food security and access to basic social services such as education, health care and drinking water.

55. As far as laws and regulations are concerned, in addition to the Constitution, important provisions on children's rights were already included in legislation such as the Criminal Code of 1998, the Civil Code of 1983 (updated in 1996) and the law establishing children's courts. The Labour Code and the Social Security Code also contain provisions for the protection of children.

56. Following the ratification of the Convention on the Rights of the Child by Ordinance No. 010/PRG/SGG of 17 March 1990 (enacted on 10 April 1990), the following measures were taken to implement the rights enshrined in the Convention:

- The establishment in 1991 of children's committees in every prefecture with a view to social mobilization and the defence of children
- Decree No. 033/PRG/SGG/92 of 6 February 1992 establishing new ministerial departments and secretariats of State

- Decree No. 092/PRG/SGG of 3 September 1992 establishing the Secretariat of State for Social Affairs, the Advancement of Women and Children's Affairs
- Decree No. D/94/076/PRG/SGG/92 of 18 August 1994 on the organization of the Government, upgrading the Secretariat of State for Social Affairs, the Advancement of Women and Children's Affairs to the level of a ministry
- Decree No. S/01/PRG/SGG/92 of January 1995 establishing the Guinean Committee on the Protection of Children's Rights
- A health policy announcement on the expanded programme on immunization, primary health care and basic medicines, and the integration of family planning into the activities of health centres
- Decree No. 101/PRG/SGG of 10 July 1996 establishing the Ministry for Social Affairs, the Advancement of Women and Children's Affairs
- Decree No. 5/PRG/SGG/07 of 6 February 2007

The Children's Code

57. Acting upon the Committee's principal concerns and recommendations, as set forth in section D, paragraph 8, in 2002, the Government of Guinea prepared a bill containing the Children's Code which incorporates all legislative and judicial measures related to the rights of the child.

58. The existing legislation, which was fragmented in different laws (the Criminal Code, Civil Code, Labour Code, Social Security Code, etc.) and administrative and regulatory instruments, has thus been consolidated into a single instrument that will make it easier for all parties to apply its content judiciously and effectively.

59. The principles underpinning the Children's Code are enumerated in two sections of the text. These principles, which are relatively homogeneous and coherent, are:

- The best interests of the child, which shall be the primary consideration in all actions and decisions taken in accordance with the Code
- Parental responsibility and active parental involvement in all phases of actions envisaged under the Code
- Respect for the views of the child, involvement of children in the development of all social and legal measures adopted for their benefit, and the right of every child alleged as or accused of having infringed the penal law to be treated in a manner consistent with their situation, which preserves their sense of dignity and worth and places the emphasis on preventive and educational measures conducive to their social reintegration

60. In adopting these principles, among many others, the Government of Guinea is bringing its domestic legislation into line with the Convention on the Rights of the Child and other regional and international legal instruments and is even, in a number of cases, introducing safeguards that go beyond the guarantees established in these instruments.

Main contents of the Code

61. The Children's Code consists of 395 articles and is divided into two main parts, which are subdivided into 4 titles, 15 chapters, 35 sections and 33 paragraphs.

A. Part I

62. The first part of the Children's Code consists of 302 articles, 3 titles, 9 chapters, 23 sections and 30 paragraphs and is devoted to introductory provisions, fundamental duties of the child, the different forms of filiation and the legal status of children.

Introductory provisions

63. These provisions (arts. 1–4) include the definition of a “child”, provide for the registration of all children after birth and establish the child's fundamental right to life, to a name and a nationality, to education and to health.

64. The introductory provisions also emphasize that the best interests of the child shall be a primary consideration in all actions concerning children undertaken by public or private institutions, courts of law or administrative authorities.

Fundamental duties of the child

65. Article 5 of the Code is devoted to the fundamental duties of the child, specifically the duties of children towards their parents, family, society and the State, and also towards every other national or African community and the international community.

Establishment of filiation

66. The issue of filiation is covered in title I of the Code, which consists of 4 chapters subdivided into 13 sections, 11 paragraphs and 141 articles.

67. Chapter 1 has 19 articles containing provisions common to legitimate and natural filiation.

68. Section I deals with the period from conception to possession of status. Section II is devoted to forms of legal action dealing with filiation, while section III deals with conflicts of laws in relation to the establishment of filiation.

69. The 34 articles of chapter 2 cover legitimate filiation where there is a presumption of paternity, proof of legitimate filiation, and legitimation by court order.

70. Chapter 3, which has 32 articles, deals with natural filiation, including methods of establishing and the effects of natural filiation, the recognition of illegitimate children, actions to establish paternity and maternity and applications for maintenance.

71. Chapter 4, which has 57 articles, covers the different forms of adoptive filiation, namely, full adoption, simple adoption and international adoption.

Legal status

72. Title II of the Code is devoted entirely to the legal status of the child. The title has three chapters encompassing articles 148 to 251 and contains provisions that focus on the child's lack of legal capacity, child protection arrangements (parental authority, educational assistance, guardianship, trusteeship, supervisory guardians, family councils, etc.) and the emancipation of the child.

73. Article 148 of chapter 1 of title II provides that any legal action executed by a person who has not yet reached the age of 18 years without the involvement of their legal representative (trustee or guardian) shall be invalid, subject to the exceptions established in the Civil Code.

74. Chapter 2 covers child protection arrangements, including parental authority in respect of the child's person, the exercise of parental authority, educational assistance, the

delegation of parental authority with respect to the child's property, trusteeship, the organization of trusts, guardianship, supervisory guardians, family councils, wards, the operation of trusts, etc.

75. Title III is subdivided into 4 chapters, 8 sections, 10 paragraphs and 51 articles and is concerned with the protection of at-risk children.

76. Chapter 1 of this title establishes definitions for the various categories of children living in adverse situations in which their health, development and physical or psychological integrity is at risk.

77. Chapter 2 governs the appointment and duties of the minister responsible for children's issues.

78. Chapter 3 is focused on the legal protection for children provided through the juvenile court system, i.e. the juvenile court judge, the juvenile court, the special juvenile chamber of the appeal court and the juvenile assize court.

79. Chapter 4 is devoted entirely to the protection of juvenile offenders.

80. This chapter covers the trial of a felony as a misdemeanour, the jurisdiction of juvenile courts and the use of mediation to avoid the negative effects of criminal proceedings.

B. Part II

81. The second part of the Children's Code is composed of title 4 and is devoted to criminal provisions. It has 6 chapters, 12 sections and 3 paragraphs, all of which contain criminal provisions.

82. The opening chapter addresses the criminal liability of minors.

83. Chapter 2 deals with sexual offences, including indecent assault, rape, paedophilia, incitement to immoral behaviour, child prostitution, sex tourism and child pornography, as well as trafficking in children, experimentation on children, inciting children to beg, corporal punishment, child labour, the use of children in armed conflict, and displaced and refugee children. It also includes provisions of a general nature and final provisions.

84. Article 394 and article 395 contain general provisions and criminal provisions, respectively.

(a) Article 6 of the Convention: Right to life, survival and development

85. These rights are widely recognized in the various laws of Guinea, as detailed below.

86. Article 255 of the Criminal Code establishes that any person found guilty of murder, parricide or poisoning shall be sentenced to death. However, the killing or murder, by the mother, of a newborn infant aged under 2 months shall carry a prison sentence of between 2 and 10 years.

87. Any person who intentionally injures or assaults a child aged under 15 years or deliberately deprives a child of care or sustenance to the extent of endangering the child's health shall receive a prison sentence of between 1 and 3 years and a fine of 5,000 Guinean francs.

88. If the injury, assault or deprivation of care or sustenance results in illness or inability to work for a period of more than 20 days or if the offence was premeditated or committed with malice aforethought, the prison sentence shall be between 2 and 5 years and the fine shall be between 5,000 and 75,000 Guinean francs.

89. If the perpetrators are the legitimate, natural or adoptive parents or other legitimate relatives in the ascending line or any other person with authority over or custody of the child, the sentences applicable shall be those set out in the preceding paragraph.

90. If the injury, assault or deprivation of care or sustenance have been followed by mutilation, amputation or loss of the use of a limb, blindness, loss of an eye or any other permanent disability, or if they have resulted in involuntary homicide, the penalty shall be a term of forced labour.

91. Any person who, after finding a newborn infant, fails to deliver the infant to the care of the registrar, as required under the Civil Code, shall receive a prison sentence of between 16 days and 6 months and be ordered to pay a fine.

92. Likewise any person who has exposed a child to danger or caused a child to be exposed to danger by abandoning that child in any location shall receive a prison sentence of between 1 and 3 years and a fine of between 5,000 and 45,000 Guinean francs. The penalty shall be a prison sentence of between 2 and 5 years and a fine of between 5,000 and 90,000 Guinean francs if the perpetrators are relatives of the child in the ascending line or any person with authority over the child. The third paragraph of article 311 of the Criminal Code stipulates that “any father or mother who, through ill-treatment, pernicious conduct or drunkenness, or want of care, seriously compromises the safety or moral integrity of their children, shall receive a prison sentence of between 3 months and 1 year and a fine of between 5,000 and 50,000 Guinean francs”.

(b) Article 12 of the Convention: Respect for the views of the child

93. The generation gap within families and communities is becoming wider and wider. Children often challenge parental authority. Parents often live by a moral code that children who have been to school find questionable. This questioning may reflect a lack of attention from parents. Some children find that their parents do not take the time to listen to them, hear their concerns and get to know their thoughts and feelings. This can cause children to turn in on themselves or in some cases even to rebel, with unpredictable consequences. This attitude on the part of parents, particularly if they are illiterate, often reflects a lack of understanding of the psychological development and attendant needs of children.

94. The state of parent-child relationships highlights the need to instil in families the knowledge and respect for the rights of others that will allow for effective dialogue. Parents must recognize that in today’s world children of 12 have skills and knowledge that they, in their day, did not acquire before the age of 30 or even 40.

95. Article 13 of the Convention on the Rights of the Child stipulates that the child shall have the right to freedom of expression, including the freedom to seek, receive and impart information and ideas, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of the child’s choice.

96. The difficulties inherent in parent-child dialogue are symptomatic of, on the one hand, a parental failure to take children’s views into account and, on the other, a tendency among children to challenge parental authority. As the two generational worlds conflict, relationships between children and their parents become increasingly fraught. The result in most cases is a lack of dialogue that can sometimes, unfortunately, lead to serious problems including delinquency, alcoholism and drug use.

VI. Civil rights and freedoms (arts. 7, 8, 13–17 and 33)

97. All Guinean citizens enjoy civil rights, civil rights being defined as all rights enjoyed by individuals in civil interactions.

98. Citizens may be denied enjoyment of these civil rights only by a provision of the law or a judicial decision issued in accordance with law. The denial of enjoyment can relate only to one or several specifically determined rights.

99. The enjoyment of civil rights is independent of the enjoyment of political rights; the latter rights are acquired and retained in accordance with the legislation in force.

(a) Article 7 of the Convention: Names and nationality

Names

100. All Guinean citizens must have a patronymic or family name and at least one forename. Family names or patronymics are attributed according to criteria established by law.

101. The Civil Code of Guinea establishes that all births on Guinean territory must be communicated to the civil registrar within two months of the date of birth.

102. If the birth is not communicated within the aforementioned period, the civil registrar will require an order issued by the civil court of the place of birth in order to be able to enter the child in the civil register.

103. All public- and private-sector hospitals, maternity units and health-care institutions keep registers in which all births at the institution in question are recorded in chronological order. The registrar and other officers of the administrative and judicial authorities may consult these registers at any time.

104. The following laws and regulations govern civil status in Guinea:

- The Constitution
- Act No. 53/AN/62 of 4 April 1962 on the establishment and operation of the civil registry of the Republic of Guinea
- Decree No. 142/PRG/SGG of 14 April 1965 establishing the status of registrar
- Ordinance No. 19/PRG/SGG of 21 April on the establishment, organization and operation of rural development communities
- The revised Civil Code, title VII of which deals with civil registration

105. Current birth registration procedures are established in the Civil Code and the above-mentioned texts. These legal texts also confer civil registration responsibilities upon local elected officials (mayors of urban municipalities, presidents of rural development communities).

Nationality

106. The law determines which persons shall be entitled to Guinean nationality as their nationality of origin from birth. Guinean nationality may be acquired or forfeited after birth by operation of law or a decision of the authorities taken on the basis of conditions established by law. The nationality provisions of duly ratified and published international treaties or agreements apply even if they are contrary to the provisions of domestic Guinean legislation.

107. Nationality is also an integral part of Guinean identity. Nationality is dealt with comprehensively in articles 20 to 169 of the Civil Code, which deal with issues as varied as international treaties and agreements, the attribution and acquisition of nationality and the effects thereof, loss, forfeiture and restoration of nationality, and the circumstances and effects of acquisition or forfeiture of nationality.

Attribution of nationality by filiation

108. Guinean nationality is attributed to:

- Legitimate children born of a Guinean father
- Illegitimate children, when the parent to whom filiation is first established is Guinean
- Legitimate children born of a Guinean mother and a father who has no nationality or whose nationality is unknown
- Illegitimate children, when the parent to whom filiation is established second is Guinean, if the other parent is of foreign nationality

Attribution of nationality by birth in Guinea

109. Guinean nationality is attributed to:

- Legitimate children born in Guinea of a father also born in Guinea
- Illegitimate children born in Guinea, when the parent to whom filiation is first established was also born in Guinea
- Illegitimate children who are legitimated while minors, if their father is Guinean

110. The above provisions clearly demonstrate that the right of the child to a name and nationality is fully guaranteed.

(b) Article 8 of the Convention: Preservation of identity

111. The right of the child to preserve his or her identity is comprehensively established in the Criminal Code. Specifically, article 301 of the Criminal Code prescribes a prison sentence for any person found guilty of:

- (i) Abducting or concealing a child, or concealing its birth;
- (ii) Substituting a child for another;
- (iii) Attributing a real or imaginary child to a woman who did not give birth to the child;
- (iv) Failing to release a child into the care of the persons entitled to assume his or her custody.

112. Any person who, having been present at a birth, fails to register the newborn infant in the manner and within the deadlines established in the Civil Code shall be subject to penalties, as shall any person who, after finding a newborn infant, fails to deliver the infant to the care of the registrar.

(c) Article 13 of the Convention: Freedom of expression

113. Since 1990, when Guinea ratified the Convention on the Rights of the Child, the authorities have become increasingly conscious of the need to use previously neglected methods to promote the rights of the child. With aid from partners, they have therefore set about establishing programmes designed to give children a voice, particularly through the media. For example, in partnership with Plan Guinée, a radio programme entitled *La Voix de Finda et Alpha* that is produced by and for children has been launched in the forest area of the country and gives children the opportunity to express their views through rural, community and national radio stations.

114. Since 2002, two radio campaigns have been launched in the Nzérékoré region in which prizes are awarded to quiz participants. The prizes are distributed to the lucky winning children at the end of each quarter and generally consist of T-shirts, baseball caps, comics and radio cassette players. At the same time, gifts are also given out to many of the children who take part in studio broadcasts. The programmes are generally broadcast in regional languages and in French.

115. A total of 899 letters containing drawings and poems for children were submitted to the rural radio station in Guinée Forestière for the first big quarterly quiz.

(d) Article 14 of the Convention: Freedom of thought, conscience and religion

116. With regard to the above-mentioned freedoms, it can be said that, in law and in practice, children (minors) are permitted to express themselves only with reference to their parents. Parents oversee and supervise everything that their children do or write. They guide them, supervise them and in a sense protect them.

117. Guinean legislation does not expressly establish these freedoms because, as noted above, children's sense of discernment is not fully developed.

118. With regard to religion, tradition dictates that a child born to Muslim parents is also Muslim. The same tradition applies to children born of Christian parents, animists and followers of other religions.

119. In principle, children espouse the religion of their parents. However, they are free to adopt the religion of their choice upon reaching majority.

(e) Article 15 of the Convention: Freedom of association and of peaceful assembly

120. The idea of creating a children's parliament in Guinea dates back to 1996 after Guinean children took part in meetings of the children's parliaments of Mali and Norway. Since then, the fundamental documents (i.e. statutes and rules of procedure) have been drawn up and a core group of 50 children have been selected according to clearly defined criteria and instructed in parliamentary procedure in the spirit of the Convention on the Rights of the Child.

121. Each year since that time, the children have met in June to celebrate the Month of the Child with their peers and develop activities connected with that year's specific theme.

122. It should be recalled that each year, the month of June is devoted to children in Guinea. For 30 days, advocacy activities and social promotion campaigns are developed across the country both by and for children to ensure that their needs are taken into consideration in the country's economic and social development policies.

123. In 2001, the core group of the Children's Parliament was bolstered by the arrival of more children. In June 2011, on the Day of the African Child, the Children's Parliament of Guinea was officially established.

124. In 2005, the number of junior deputies reached 114; the children were elected by direct universal suffrage to represent the 33 prefectures and the five districts of Conakry. This number is exactly the same as the number of members of the Guinean National Assembly. Each of the 33 prefectures and the five districts of Conakry have three junior deputies, the majority of whom are female.

125. The executive office of the junior parliament is made up of 13 members, 9 of whom are girls.

126. The most recent meeting of the Guinean Children's Parliament was held in Conakry on the benches of the National Assembly in July 2006. The meeting focused on drafting the Children's Parliament Plan of Action for the period 2006/07.

127. It is also worth noting that youth associations have been created over the past few years in all areas of the country. These generally aim to promote economic and social development in the local area.

128. The Ministry of Justice has established outreach, counselling and career-guidance centres in youth clubs. The centres offer activities to keep young people informed about their local environment and, in particular, about sexually transmitted infections (STIs) and HIV/AIDS.

129. Student councils have been launched in elementary schools by the National Directorate of Civic Education of the Ministry of Education in areas where UNICEF is active.

130. The main objective of the student councils is to teach pupils how to exercise responsibility, understand good governance and actively participate in the school's management through role-playing activities.

131. In most of the country's towns and cities, other types of youth associations are emerging on the basis of the sense of kinship created by mutual assistance in social, cultural and occasionally economic spheres (marriage, baptism, death, various celebrations and work).

(f) Article 16 of the Convention: Protection of privacy

132. Article 12, paragraph 3, of the Constitution stipulates that "everyone has the right to protection of their privacy".

133. Up to the age of puberty, children's privacy is protected in Guinea by their parents. Until that time, children always confide in one of their parents, be that the father or mother, or, more often, an aunt. Problems arise more often in the case of young girls. From the age of 12 or 13 years, when a girl starts menstruation, she comes under pressure from all sides and certain family members keep a close eye on her in her day-to-day life, often with the rationale of ensuring that she does not become pregnant. The pressure leads some parents to rush their children into marriage at an early age.

(g) Article 17 of the Convention: Access to appropriate information

134. Children in Guinea have access to all information without discrimination of any kind.

135. Public and private media are available (radio, television, the Internet, the press and oral communication).

136. The subject matter of the information is diverse and includes:

- Hygiene
- STI and HIV/AIDS prevention
- The Convention on the Rights of the Child
- Customs and practices
- Education
- Politics

(h) **Article 37 of the Convention: Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment**

137. The Constitution of Guinea contains extensive measures to protect the rights of the child.

138. It should be noted that all provisions contained in the Constitution which are designed to protect Guinean citizens are essential parts of their rights.

139. The provisions of title 2 of the Constitution, entitled “Freedoms, duties and fundamental rights”, should be mentioned in particular.

140. Some of the provisions of these articles are particularly relevant, including those listed below.

141. **Article 5:** The human person and human dignity are inviolable. The State has a duty to respect and protect them.

142. The rights and freedoms listed below are inviolable, inalienable and imprescriptible. They are the foundations of all human society and guarantee peace and justice in the world.

143. **Article 6:** Everyone has the right to the free development of his or her personality.

144. Every individual has the right to life and physical integrity. No one shall be subjected to torture or cruel, inhuman or degrading punishment or treatment.

145. **Article 8:** All human beings are equal before the law. Men and women have the same rights. No one shall be afforded privileges or suffer disadvantage on account of his or her sex, birth, race, ethnicity, language or beliefs.

146. **Article 15:** Everyone has the right to health and to physical well-being. The State has a duty to promote these rights and to combat epidemics and social ills.

147. **Article 16, paragraph 2:** Parents have the right and duty to ensure the education and physical and mental health of their children.

148. **Article 21, paragraph 3:** The State ensures the security of all persons and oversees the maintenance of public order.

149. **Article 21, paragraph 8:** The State creates conditions and institutions which enable each person to receive an education. It guarantees the freedom of education.

150. **Article 22, paragraphs 1 and 2:** The law guarantees to all the exercise of their fundamental freedoms and rights.

151. The State can impose no other restrictions on these freedoms and rights than those which are essential to the maintenance of public order.

VII. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 19–21, 25, 27, para. 4, and 39)

(a) **Article 5 of the Convention: Parental guidance**

152. In Guinea, the child is part of the community. Outside the family home, the child usually benefits from the attention of all adults, including the extended family. When there are misunderstandings between children and their parents, they can always confide in an adult who can offer them advice and reunite them with their family. Thus, all members of the community contribute to the upbringing of children.

(b) Article 18, paragraphs 1 and 2, of the Convention: Responsibility

153. A child of any age must honour and respect his or her father, mother and other relatives, including uncles and aunts and brothers and sisters who are of age or legally emancipated.

154. Parental authority comprises all the rights conferred by law on fathers and mothers over the person and property of their minor or legally emancipated children. The law does, however, prohibit parents and their representatives from exploiting their children in any way.

155. The child remains the charge of his or her father and mother until he or she reaches the age of majority or is legally emancipated.

156. During marriage, the mother and father exercise parental authority jointly, unless otherwise provided for in a judicial decision.

157. If there is a conflict over the exercise of parental authority, the civil court takes a decision purely on the basis of the best interests of the child. Either spouse may bring such an action.

158. In respect of bona fide third parties, each of the spouses is deemed to act in agreement with the other and in the sole interest of the child when performing alone the customary acts of parental authority.

159. If the father and mother are divorced or officially separated, parental authority is exercised by the parent to whom the judge has granted custody of the child, except in the case of parental access and supervision rights and the right to give consent to the marriage, adoption and legal emancipation of an underage child.

160. If custody is granted to a third party, the other attributes of parental authority continue to be exercised by the father and mother. The third party granted custody of the child does, however, fulfil the customary duties in relation to the supervision and education of the child.

161. In the event of the death of a father or mother who has been granted custody of a child or if one of the cases described in article 840 is applicable to him or her, the parental authority is automatically devolved to the surviving parent. However, the judge may decide, at the request of any person concerned and exclusively in the child's best interests, to grant custody to any other individual.

162. Parental authority over children born out of wedlock is held by the parent whose filiation with the child is established.

163. When filiation to the mother and father has been established, parental authority is exercised by the parent with custody of the child.

164. If a conflict arises between the father and mother over custody, the civil court takes a decision in light of the child's best interests, and the provisions of article 477 apply.

165. Parental authority may be exercised jointly by the two parents provided that they make a joint statement to this effect before the guardianship judge.

(c) Article 9 of the Convention: Separation from parents

166. The marked presence of street children in the country's main cities, in particular Conakry, is a product of the separation of children from their parents. Some are placed in the reception centres in SOS Children's Villages in Conakry and elsewhere or in centres run by Terre des Hommes, Foyer Saint-Joseph or the Maison des Enfants in Sobanet (Boffa prefecture). Some 80 per cent of these children are aged between 7 and 18 years.

167. The main reasons for the separation from their parents are:
- Rural exodus
 - Break-up of the family unit (owing to divorce, polygamy or death, sometimes linked to STIs and HIV/AIDS)
 - The massive influx of refugees from armed conflicts in Liberia and Sierra Leone in the 1990s
 - The conflict in Côte d'Ivoire in 2002
168. These population movements from one country to another have led to hundreds, and even thousands, of cases of separated children.
169. As there are inadequate financial and human resources available for the care of these children, they have limited access to basic social services (health, nutrition, education, water and sanitation).
170. No specific studies have been carried out, making it difficult to measure the trend for this target group. However, given the growing poverty of the population, especially in rural areas, and the spread of HIV/AIDS, it can be expected that the phenomenon will become increasingly common.
171. An assessment of the living conditions of children in reception centres, homes and orphanages, carried out by the National Directorate of Child Protection at the start of 2000, indicates a 10 per cent rise in numbers between 1997 and 1999.
172. The causes linked to the temporary or permanent separation of children up to 18 years of age from their parents are listed below:
- Parents' divorce
 - Breakdown of the social fabric
 - Temporary or permanent loss of parents
 - Armed conflict
 - Death from illness (HIV/AIDS)
173. Progress made with regard to separated children:
- Assessment carried out of the living conditions of separated children in reception centres, homes and orphanages
 - Implementation of a family planning and counselling programme for adolescents, incorporating measures to raise awareness of STIs and HIV/AIDS
 - Measures taken to address the issue of polygamy
 - Measures taken to address unwanted pregnancies
 - Construction of outreach centres
 - Search for separated child refugees carried out by such organizations as the International Rescue Committee (IRC) and the International Committee of the Red Cross (ICRC), and reunification with their families
174. Constraints:
- The lack of human and financial resources available for child protection institutions and reception centres, exacerbating the already vulnerable situation of separated children

- The almost total absence of statistical data on this category of children
- The lack of childcare institutions

Main judicial, legislative and administrative measures

175. The existing coordinating bodies and legal instruments include:

- The national committee on the coordination of assistance to children requiring special protection measures;
- The Child Protection Division;
- Reception and transit centres;
- Individual caregivers;
- The Children's Code;
- The Civil Code;
- The law on the protection of children and cooperation in respect of intercountry adoption;
- The law on the sale of children, child prostitution and child pornography;
- The Criminal Code.

(d) Article 10 of the Convention: Family reunification

176. More than 80 per cent of separated children are refugees who have been displaced after conflicts broke out in the subregion, in particular in Liberia and Sierra Leone, and following the rebel attacks endured by Guinea in 2000.

177. NGOs such as IRC and ICRC have been very active for several years in searching for the families of separated children and reuniting them.

178. A committee has been set up to find long-term solutions that will facilitate the local integration of such children. The committee comprises NGOs, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), IRC, ICRC and the Ministry of Child Protection.

179. Since 2004, the situation of unaccompanied children monitored by ICRC, disaggregated by country of residence and nationality, has been as follows:

Table 1
Country of habitual residence

Nationality	<i>Côte d'Ivoire</i>	<i>Ghana</i>	<i>Guinea</i>	<i>Liberia</i>	<i>Nigeria</i>	<i>Sierra Leone</i>	Total
Ivorian	2	0	25	32	0	0	59
Guinean	1	0	31	22	0	3	57
Liberian	109	43	462	201	3	383	1 201
Sierra Leonian	0	5	212	18	0	25	260
Total	112	48	732	277	3	411	1 583

180. Unaccompanied children are children who are separated from both of their parents as well as from any other person granted custody of the child.

Table 2
**Situation of separated children monitored by the International Rescue Committee
 whose families have not yet been found**

Zone	<i>Case still open</i>			Guinean	Sierra Leonian	Liberian	Ivorian	Total
	<i>F</i>	<i>M</i>	<i>Total</i>					
Conakry	57	141	198	22	90	83	3	198
Kissidougou	224	338	562	4	56	502	0	562
Forécariah	52	67	119	5	113	1	0	119
Kindia	70	58	128	0	126	2	0	128
Nzérékoré	256	392	648	6	8	478	156	648
Total	659	996	1 655	37	393	1 066	159	1 655

181. Of these children, 74 per cent were registered within the past two years and the remainder more than two years ago. The majority of these children live outside the refugee camps; 82 per cent of them live with foster families.

182. There is a category of children whose families have not been found despite many years of efforts. The solution in these situations should be in the best interests of the child.

183. A unit has been set up to search for long-term solutions for children who have not been reunited with their families. The solutions proposed include:

- (a) Finding families for the most vulnerable children;
- (b) Setting up income-generating activities for children to help them to become independent;
- (c) Ensuring that those remaining with a foster family have a legal status that enables their long-term reintegration into society;
- (d) Adoption carried out in accordance with the law, which can be the answer to some children's problems.

(e) **Article 27, paragraph 4, of the Convention: Recovery of maintenance for the child**

184. The child maintenance obligation is normally met by paying an allowance, the amount being set on the basis of the needs of the claimant and the funds at the disposal of the person who is liable.

185. Unless decided otherwise, maintenance payments are made each month and in advance. When several individuals are liable for maintenance payments, the person entitled to the maintenance payments may bring legal action against any one of them.

186. Those who are liable to pay maintenance have joint and several liability.

187. A person who has been ordered to pay may seek legal remedy for the relevant portion against the other persons who are liable.

188. It is acceptable for persons liable for maintenance to agree that payments shall be made to the beneficiary by one of them in return for a contribution from each of them. Such an agreement is binding on the beneficiary only if he or she has accepted it and the judge has had no compelling reason to modify it at the request of the beneficiary (see the Civil Code).

189. Unless otherwise established by law, the child maintenance obligation is non-transferable, inalienable and not subject to attachment. It cannot be terminated through compensation. Beneficiaries may not forgo any arrears due.
190. Individuals who have provided the beneficiary of the maintenance payments with the means of subsistence may seek to recoup it from the persons liable for maintenance.
191. Any regular payment which has not been claimed or requested within the three months after it falls due shall cease to be owed unless the person entitled to maintenance payments can establish that the instalment is necessary for his or her subsistence or that it had been impossible to claim it.
192. The beneficiary of maintenance payments may be paid the amount directly by third parties who owe sums of money to the person liable for the maintenance payments. In particular, the beneficiary may exercise this right in relation to providers of a salary, work products or other revenues, as well as to any other depositary of funds.
193. The request for direct payment is admissible when a regular maintenance payment, made enforceable by a judicial decision, has not been paid by its due date.
194. This procedure also applies to the recovery of contributions to household expenses and the allowances provided for under articles 426 to 429.
195. Without the need for any other procedure, the request takes effect as the payments fall due and takes precedence over all other claims on the sums in question by creditors or beneficiaries.
196. Third parties are required to transfer these amounts to the beneficiary directly and within the deadlines set out in the decision.
197. The request for direct payment can be challenged legally without prejudice to actions brought to review the maintenance payment.
198. Such a challenge does not suspend the third party's obligation to pay directly any sums owed to the person entitled to maintenance payments.
199. The direct payment procedure also applies to all scheduled maintenance payments.
200. It also applies for the three months preceding notification of the request for direct payment.
201. The direct payment request is made by a representative of the court on application by the person entitled to the maintenance payments who, in line with article 656 of the Civil Code, notifies the third parties.
202. Fees for direct payments shall be borne by the person liable for the maintenance payments.
203. State administration and public authority services, social security bodies and bodies responsible for managing social security benefits are required to provide the court bailiff, engaged by the person entitled to maintenance to formulate the request for the direct payment, with all the information they have or can find that will help determine the address of the person liable for maintenance payments and the address and identity of his or her employer or any third party debtor or depositary of cash funds or funds owed.
204. When it has not been possible to recover fully or partially the maintenance payments set by a judicial decision which has become enforceable, they may be recovered on behalf of the person entitled to the maintenance payments through a private-law execution procedure by the Treasury.

205. This would require a public recovery request to be applied for before the district attorney (*procureur de la République*), who then establishes an enforceable order for costs and sends it to the Treasury for payment.

206. A person entitled to maintenance who uses the direct payment procedure in bad faith is liable to a civil fine of between 20,000 and 100,000 Guinean francs.

(f) Article 20 of the Convention: Children deprived of a family environment

207. In Guinea, the child is considered to belong to the extended family and even the community. Thus, it is not uncommon to see children deprived of family life for one of the following reasons:

(a) They are placed by their parents in the homes of uncles, aunts or cousins in the hope that they will receive a good education, although, more often than not, their hopes are disappointed and the children find themselves in a distressing situation;

(b) They are placed with marabouts so that they can acquire a good knowledge of the Koran. The children are very often made to do difficult jobs and can receive no form of protection. Their lives are at risk since they receive no medical care or nutritional assistance.

(g) Article 21 of the Convention: Adoption

208. Since the ratification in 2001 by Guinea of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Guinean legislature has looked into enhancing the rules and conditions for adoption both within the country and across national borders. Chapter IV of the new Children's Code covers the issue of adoption in Guinea in great detail.

1. Full adoption

209. Requirements for full adoption under the Children's Code:

Article 91: Adoption may be requested after five years of marriage by a married couple who are not legally separated.

210. Adoption may also be requested by any person over 30 years of age.

211. If the adopter is married and not legally separated, it is necessary to obtain the consent of the spouse, unless the latter is unable to express his or her wishes.

212. **Article 92:** The age requirement under the previous article does not apply in cases of the adoption of a spouse's child.

213. **Article 93:** Adopters must be 15 years older than the children they wish to adopt.

214. If the children to be adopted are the children of a spouse, the required age difference is only 10 years.

215. However, where there is good reason, the court may grant adoption when the age difference is smaller than the differences mentioned in the previous paragraphs.

216. **Article 94:** Adoption is permitted only in the case of children under 15 years of age who have been in the home of the adopter(s) for at least six months.

217. However, if the child is over 13 years of age and was taken in before that age by persons who did not satisfy the legal requirements for adoption or was the subject of a simple adoption procedure before reaching 13 years of age, an application for full adoption

may be submitted at any stage while the child is still a minor, providing the requisite conditions are satisfied.

218. If the child is over 13 years of age, he or she must personally consent to full adoption.

219. **Article 95:** No one may be adopted by several persons unless the adopters are married.

220. Permission may be granted for a second adoption, however, following the death of the adoptive parent or both adoptive parents, or of one of the two adoptive parents, provided that the request is submitted by the new spouse of the surviving partner.

221. **Article 96:** The following children may be adopted:

1. Children whose fathers and mothers or family council have duly consented to adoption.
2. Wards of the State.
3. Children declared abandoned, subject to the conditions laid down in article 105 of the Children's Code.

222. **Article 97:** When the filiation of a child is established in relation to the child's father or mother, both parents must consent to the adoption.

223. If one of the parents is deceased or unable to express his or her wishes, or no longer has parental authority, consent from the other parent is sufficient.

Article 98: When the filiation of a child is established only in relation to one parent, that parent must consent to the adoption.

224. **Article 99:** When the father and the mother of the child are deceased or are unable to express their wishes or no longer have parental authority, the family council gives consent, after hearing the opinion of the person who actually takes care of the child.

225. The same applies when the filiation of the child has not been established.

226. **Article 100:** Consent to adoption is given by means of an authentic act executed before a judge from the court where the consenting person is domiciled or resident, or before a Guinean or foreign notary, or before Guinean diplomatic or consular officials. It can also be received by the children's services to which the child has been handed over.

227. Consent to adoption may be withdrawn within the following three months.

228. The withdrawal must be made by recorded delivery with receipt of delivery addressed to the person or service that received the consent to the adoption.

229. The return of the child to the parents, even if requested orally, also counts as proof of withdrawal.

230. If consent has not been withdrawn by the end of the three-month period, the parents can still ask for the child to be returned to them providing that the child had not been placed for the purposes of adoption.

231. If the person who took in the child refuses to return the child, the parents may refer the matter to the court, which decides, on the basis of the best interests of the child, whether the child should be returned. Return invalidates the consent for adoption.

232. **Article 101:** The father and mother or the family council can consent to the adoption of the child by leaving the choice of adopter to the children's services or the accredited adoption service provider that would temporarily take care of the child.

233. When the father and mother or the family council consent to the adoption of the child by handing the child over to the children's services or an accredited adoption service, the choice of adopter is left to the guardian with the agreement of the family council of wards of State or the family council under the guardianship arrangements made by the accredited adoption service.
234. **Article 102:** Except in cases where the adopter and the adoptee are related by blood or by affinity up to and including the sixth degree, consent to the adoption of children under 2 years of age is only valid if the child has actually been handed over to the children's services.
235. **Article 103:** The court can grant adoption if it considers that consent has been wrongfully withheld by the legitimate and natural parents, or by only one of them, when they have neglected the child to the point of endangering the child's health or morals.
236. The same applies in the event of wrongful withholding of consent by the family council.
237. **Article 104:** For wards of State whose parents have not consented to the adoption, consent is given by the family council of such wards.
238. **Article 105:** A child who is taken in by a private individual, a private organization or the children's services, and whose parents have manifestly neglected the child in the year prior to submission of the application for a declaration of abandonment, may be declared abandoned by the court.
239. Parents shall be deemed to have manifestly neglected their child if they have not kept up the relationship needed to maintain an emotional bond.
240. The mere withdrawal of consent for adoption, a request for news or a wish expressed but not acted upon to take the child back do not constitute a manifestation of interest sufficient to justify the automatic dismissal of an application for a declaration of abandonment.
241. No declaration of abandonment is issued if, within the time limit set out in the first paragraph of this article, a family member applies for care of the child and if this application is deemed to be in the best interests of the child.
242. The court decision to declare that a child has been abandoned simultaneously grants parental authority over the child to the children's services or the organization or private individual taking care of the child.
243. Third-party objections are admissible only in the event of deceit, fraud or mistaken identity of the child.
244. Placements with a view to full adoption and full-adoption orders.
245. **Article 106:** Placement for adoption involves actually handing over to the prospective adoptive parents a child for whom valid and definitive consent for adoption has been obtained, a ward of the State or a child declared abandoned by the State.
246. Where the filiation of the child is not established, there must be no placement for adoption for three months from the time the child is taken in.
247. Where either parent has requested the return of the child, placement cannot take place until a court has ruled on the merits of the request.
248. **Article 107:** Placement for adoption bars the return of the child to the family of origin and precludes any declaration or recognition.

249. If the placement for adoption is discontinued or if the court refuses to grant the adoption, the effects of the placement are determined retroactively.

250. **Article 108:** The adoption is granted at the request of the adopter by the court, which verifies that the legal requirements have been met and that the adoption is in the best interests of the child.

251. **Article 109:** In cases where the adopter has descendants, the court also verifies that the adoption will not compromise family life.

252. If the adopter dies after duly taking in the child for adoption, the request may be submitted in the adopter's name by the surviving spouse or by an heir of the adopter.

253. If the child dies after being duly taken in for adoption, the request may still be submitted. The order takes effect on the day preceding the death and amends only the child's civil status. The adoption order is not reasoned.

254. **Article 110:** Third-party objections to the adoption order are admissible only in the event of deceit or fraud attributable to the adopters.

255. **Article 111:** Two weeks after becoming final, the full-adoption order is entered in the civil register in the place of birth of the adopted child, at the request of the district attorney.

256. The entry registers the day, time and place of birth, the child's sex and forenames, as stated in the adoption order, and the forenames, surnames, date and place of birth, profession and residence of the adopter(s). The entry does not include any reference to the original filiation of the child.

257. The original birth certificate and, if necessary, the birth certificate drawn up in accordance with the provisions of the Civil Code are, at the request of the district attorney, stamped with the word "adoption" and declared null and void.

Paragraph 3: The effects of full adoption

258. **Article 112:** The adoption takes effect as from the day the adoption request is submitted.

259. **Article 113:** Adoption confers on the child a filiation that replaces the child's original filiation. The adopted child no longer belongs to his or her biological family, subject to the restrictions on marriage listed in the Civil Code.

260. **Article 114:** The adoption of a spouse's child, however, does not affect the child's original filiation to the spouse and the spouse's family. It also produces the effects of an adoption by a married couple; adoption gives the child the name of the adopter or, in the case of adoption by a married couple, the husband's name.

261. At the request of one or both of the adopters, the court can change the child's forenames.

262. If the adopter is a married woman, the court can decide, in its ruling on the adoption, and with the consent of the adopter's husband, that the latter's name will be given to the adopted child; if the husband is deceased or unable to express his wishes, the court alone decides, after consulting the husband's heirs or next of kin.

263. **Article 116:** The adopted child has, within the adopter's family, the same rights and obligations as a legitimate child.

264. **Article 117:** Full adoption is irrevocable.

2. Simple adoption

Paragraph 1: Requisite conditions and the judgement

265. **Article 118:** Simple adoption is permitted regardless of the age of the adoptee. An adoptee over the age of 13 years must personally give consent to the adoption.

266. **Article 119:** The provisions of articles 92, 93, 105, 108, 110 and 112 are applicable to simple adoption.

267. **Article 120:** Two weeks after the final judgement, the order of simple adoption is entered in the civil register at the request of the district attorney.

Paragraph 2: Effects of simple adoption

268. **Article 121:** Simple adoption adds the name of the adopter to the name of the adoptee. The court may decide, however, that the adoptee will only bear the name of the adopter.

269. **Article 122:** Adoptees remain with their family of origin and retain their hereditary rights.

270. The restrictions on marriage listed in the Civil Code are applicable to adoptees and their family of origin.

271. **Article 123:** All rights of parental authority over the adopted child are vested in the adopter, including the right to consent to the marriage of the adopted child, except where the adopter is the spouse of the child's father or mother, in which case the adopter shares parental authority with the spouse but the latter exercises such authority.

272. Adopters exercise parental authority under the same conditions as for legitimate children.

273. The rules of statutory administration and guardianship for legitimate children apply to the adopted child.

274. **Article 124:** The kinship resulting from adoption extends to the adoptee's legitimate children.

275. Marriage is prohibited between:

- The adopter, the adoptee and their descendants
- The adoptee and the adopter's spouse; and, conversely, between the adopter and the adoptee's spouse
- The adoptive children of the same individual
- The adoptee and the adopter's children

276. **Article 125:** The adoptee has a duty of maintenance towards the adopter if necessary and, conversely, the adopter has a duty of maintenance towards the adoptee.

277. The adoptee's father and mother continue to have an obligation to provide maintenance for the adoptee. However, the adoptee's father and mother are only obliged to provide maintenance if the adopter cannot provide it.

278. **Article 126:** The adoptee and his or her legitimate descendants acquire the same inheritance rights within the adopter's family as a legitimate child but without the rights to inherit a reserved portion of the estate of the adopter's ascendants.

279. **Article 127:** If the adoptee dies without descendants, all assets given by or inherited from the adopter revert to the adopter or to the latter's descendants, if they still exist in kind

at the time of the adoptee's death, for the purpose of paying down debts and subject to the rights acquired by third parties. Likewise, the assets that the adoptee had received as a gift from his or her parents revert to the latter or their descendants.

280. The adoptee's remaining assets are shared equally between the family of origin and the adopter's family, without prejudice to the rights of spouses over the entire estate.

281. **Article 128:** Adoption retains all its effects, notwithstanding the subsequent establishment of a filiation link.

282. **Article 129:** If warranted on serious grounds, adoption may be revoked at the request of the adopter or adoptee. An application to revoke by the adopter is admissible only if the adoptee is over 13 years of age.

283. Where the adoptee is a minor, his or her biological parents or, in their absence, a member of his or her family of origin up to and including the degree of first cousin and the prosecution authorities can also make an application to revoke the adoption.

284. **Article 130:** The order to revoke the adoption must be reasoned.

285. The operative paragraphs of the order are entered in the margin of the birth certificate or the transcript of the adoption order, as required by article 120 of the present code.

286. **Article 131:** Revocation ends all future effects of the adoption.

3. Intercountry adoption

Requirements for intercountry adoption

287. **Article 132:** Intercountry adoption can take place only if the competent authorities in the State of origin have established that:

- The child is eligible for adoption
- The adoption is in the child's best interests
- The persons, institutions and authorities whose consent is required for the adoption have received the necessary counselling and been duly informed of the consequences of their consent, in particular as regards the maintenance or termination of the legal relationship between the child and the child's family of origin
- The aforementioned have given their consent freely, in due legal form, as expressed or evidenced in writing
- No consent has been obtained in exchange for payment or compensation of any kind
- The consent of the mother, where required, has been given only after the birth of the child
- The child has been counselled and duly informed of the consequences of the adoption and of consenting to the adoption
- The child's wishes and opinions have been taken into consideration
- The child's consent to the adoption, where such consent is required, has been given freely, in due legal form, and expressed or evidenced in writing, and such consent has not been obtained in exchange for payment or compensation of any kind

288. **Article 133:** Intercountry adoption can take place only if the competent authorities of the receiving State have determined that the prospective adoptive parents are eligible and

suited to adopt; have ensured that the prospective adoptive parents have received the necessary counselling; and have determined that the child is or will be authorized to enter and reside permanently in that State.

Paragraph 2: Competent authorities

289. **Article 134:** The competent authorities include the Ministry of Justice, the Ministry for Children, the Ministry of Foreign Affairs and the Ministry of Security.

290. **Article 135:** The competent authorities must take all appropriate measures to prevent improper financial gain in connection with an intercountry adoption.

291. The authorities must in particular:

- Collect, store and exchange information on the situation of the child and the prospective adoptive parents
- Facilitate, monitor and expedite proceedings to ensure the adoption is strictly in the best interests of the child
- Reply, in accordance with Guinean law, to justified requests from other competent authorities for information on individual cases of intercountry adoption

292. **Article 136:** Accreditation shall only be granted to and held by bodies demonstrating their competence to carry out properly the tasks entrusted to them.

293. **Article 137:** An accredited body or organization must:

- Pursue only non-profit objectives in accordance with the conditions and limits established by law in adoption matters
- Be directed and staffed by persons whose integrity and training or experience qualify them to work in the field of intercountry adoption
- Be supervised by competent adoption authorities. An accredited body or organization in the Republic of Guinea may not act in another State without the authorization of the competent authorities of both States.

Paragraph 3: Intercountry adoption procedures

294. **Article 138:** Persons habitually resident in the Republic of Guinea who wish to adopt a child habitually resident in another State, must apply to the central authority in that State.

295. **Article 139:** If the competent Guinean authorities are satisfied that the applicants are suited to adopt, they shall prepare a report containing information on their identity, eligibility and suitability to adopt, their personal, family and medical situation, their social background, their reasons for adoption and their fitness to undertake an intercountry adoption, as well as on the children they would be qualified to care for.

296. They shall transmit the report to the central authority of the State of origin.

297. **Article 140:** If the central authorities of the State of origin are satisfied that the child is suitable for adoption, they shall:

- Prepare a report containing information on the child's identity, suitability for adoption, social background, personal and family history, and personal and family medical history, as well as any special needs
- Give due consideration to the child's upbringing and ethnic, religious and cultural background

- Ensure that the consents referred to in article 132 have been obtained
- Determine, on the basis of, inter alia, the reports on the child and the prospective adoptive parents, whether the proposed placement would be in the best interests of the child
- Transmit to the Guinean authorities their report on the child, evidence that the necessary consents have been obtained and the reasons for their decision on placement, taking care not to reveal the identity of the mother and father if, in the State of origin, these identities may not be disclosed

298. **Article 141:** A decision to entrust a child to prospective adoptive parents may only be taken in the State of origin if:

- The competent authorities of that State have ensured that the prospective adoptive parents agree to this
- The competent Guinean authorities have approved the decision, where such approval is required by the law of the State of origin
- The competent authorities of both States have agreed that the adoption may proceed
- It has been determined, in accordance with article 133, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the Republic of Guinea

299. **Article 142:** The competent authorities of both States shall take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the Republic of Guinea.

300. **Article 143:** The transfer of the child to the receiving State may only be carried out if the following requirements are met:

- The authorities of both States ensure that the transfer takes place in safe and appropriate conditions and, if possible, in the company of the adoptive or prospective adoptive parents
- If this transfer does not take place, the reports referred to in articles 139 and 140 are sent back to the authorities who forwarded them

301. **Article 144:** The competent authorities shall keep each other informed about the adoption procedure and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

302. **Article 145:** Where the adoption is to take place after the child has been placed in care in the Republic of Guinea and the competent authorities believe that it is no longer in the child's best interests to remain with the foster family, the authorities shall take the measures necessary to protect the child, in particular by:

- Removing the child from the persons who wished to adopt him or her, and arranging temporary care
- In consultation with the competent authorities of the State of origin, arranging without delay a new placement for the child with a view to adoption or, if this is not possible, alternative long-term care; an adoption may not take place until the competent authority of the State of origin has been duly informed about the new adoptive parents
- Arranging the return of the child, if the child's best interests so require

- Having regard in particular to the age and maturity of the child, the latter shall be consulted and, where appropriate, his or her consent obtained in relation to the measures to be taken under this article

Recognition and effects of intercountry adoption

303. **Article 146:** Recognition of an adoption may be refused only if the adoption is manifestly contrary to the Children's Code and to public policy.

304. **Article 147:** Recognition of an adoption comprises recognition of:

- The filiation link between the child and the adoptive parents
- Parental responsibility of the adoptive parents for the child
- The termination of the pre-existing filiation link between the child and the child's father and mother
- The child's enjoyment in the Republic of Guinea of the same rights as those ensuing from regular adoption in the other countries, subject to reciprocity

305. Guinean legislation currently contains no specific provision on the prevention of violence against children. However, campaigns to raise awareness of violence are organized by the children's services, NGOs, international organizations and other partners in the field.

306. The Criminal Code penalizes the perpetrators of violence against children: the younger the child, the more severe the sentence. All sentences include payment of damages and compensation. Equally, there is provision for penalties to be imposed on any perpetrator of violence towards children.

307. NGOs take care of the reintegration and rehabilitation of child victims of violence, as the State currently does not have an institution for this purpose.

308. Early marriage is prohibited by law: the Civil Code sets the minimum legal age for marriage at 18 years for both girls and boys. Guinean law is silent on the subject of honour killings.

309. The victim's sex, age and relationship with the perpetrator constitute aggravating circumstances when the perpetrator is sentenced.

310. Children and persons acting on their behalf have access to the proceedings, and legal aid is available on request.

311. Campaigns are carried out to raise awareness of the provisions of the Code of Criminal Procedure on violence against children, so as to avoid duplication of work by the different parties involved.

312. The outcome of legal actions against children or adolescents found guilty of an act of violence depends on the seriousness of the offence, the age of the victim and all the other circumstances that led to the crime being committed.

(h) Article 25 of the Convention: Placement review

313. Since the 1990s, reception centres for children have flourished in Guinea:

- SOS Children's Villages
- NGO reception centres
- Traditional orphanages
- Transit centres

- Foster families
- Holding centres

314. Every year, the child protection services organize a programme of visits to assess the living conditions of children placed in institutions. Social workers prepare and use assessment forms during the placement review.

315. The placement review report generally highlights the need to train staff to provide nutritional and medical support and to speed up the trial or release of children in conflict with the law.

316. Several NGOs are very active in this domain and provide support in terms of health, education, clothing, etc. The State also periodically provides basic foodstuffs to those centres.

VIII. Health and well-being (arts. 6, 18, para. 3, 23, 24, 26 and 27, paras. 1–3)

(a) Article 6, paragraph 2, of the Convention: Survival and development of the child

1. Reproductive health

1.1 Antenatal and perinatal care

317. In most of the births (82 per cent) recorded in the last five years, the mothers had had an antenatal check-up given by a trained medical professional and 66 per cent of them had received at least two doses of the vaccine against neonatal tetanus. Approximately one in three births (31 per cent) took place in a health facility; the remaining 69 per cent were home births.

318. Only 38 per cent of births were attended by medical personnel. Women from the poorest households (15 per cent of the population) were those whose deliveries were least frequently attended by trained medical personnel (Third Demographic and Health Survey, 2005).

1.2 Trends in antenatal care

319. According to the 2005 Demographic and Health Survey, more than 8 out of 10 (82 per cent) of pregnant women had an antenatal check-up performed by a trained health professional. The check-ups were mainly performed by midwives or nurses (69 per cent) and, to a much smaller extent, by doctors (13 per cent). In more than one case in six (17 per cent), the mothers did not have any medical check-ups whatsoever.

320. The high proportion of women receiving antenatal care conceals major disparities. In rural areas, the proportion is only 78 per cent, compared with 96 per cent in urban areas. There are also large differences between women with schooling and those without: 98 per cent of the women with a secondary-school or higher level of education had an antenatal check-up compared with about 80 per cent of those who had received no schooling. There are regional differences as well: Conakry recorded the largest proportion of mothers who had an antenatal check-up (98 per cent), while in Mamou the proportion was far smaller (62 per cent) (Third Demographic and Health Survey, 2005).

2. Child health

2.1 Immunization of children

321. Most children are vaccinated: 99 per cent of children aged between 12 and 23 months have received the BCG vaccine, 51 per cent the DPT vaccine, 50 per cent the polio vaccine and 50 per cent the measles vaccine. In total, more than one child in three aged between 12 and 23 months (37 per cent) has received all the vaccines of the Expanded Programme on Immunization. However, 14 per cent of infants aged between 12 and 23 months receive no vaccines whatsoever. There has nevertheless been a slight improvement in national coverage in comparison with the situation in 1999 (Third Demographic and Health Survey, 2005).

2.2 Childhood illnesses

322. Acute respiratory infections, fevers and diarrhoea are the main health problems afflicting children in Guinea. Almost 1 child in 10 (8 per cent) has suffered from a cough and short, rapid breathing. One third (34 per cent) of children had a fever during the period in question, while just under one child in five (16 per cent) had one or more bouts of diarrhoea. In those cases, 57 per cent received oral rehydration therapy, while 17 per cent received no treatment whatsoever.

323. The risk of children dying during their first month of life or before their first or fifth birthday is closely linked to where they live in relation to the capital city. The statistics obtained from two of the demographic and health surveys show that the mortality rate for children under 5 fell from an estimated rate of 229 per 1,000 live births in 1992 to 117 per 1,000 in 1999. According to the 2005 Demographic and Health Survey, however, the rate has stagnated at an estimated rate of 163 per 1,000, and it will therefore be difficult to attain the target, associated with the Millennium Development Goals, of reducing the mortality rate for infants and children under 5 by 80 per cent by 2015.

324. There are clear geographical, social, sanitary and biological disparities in child mortality rates in Guinea. The risk of children dying during their first month of life or before their first or fifth birthday is higher in the regions that are far from the capital city of Conakry. Generally, child mortality is noticeably higher in rural areas. Children of women living in rural areas are definitely more vulnerable. The children most at risk are those whose mothers do not have antenatal check-ups or whose births are not attended by medical personnel.

325. The following are the direct causes of infant and child mortality, by order of importance:

- Malaria (31 per cent)
- Problems at birth (28 per cent)
- Pneumonia or acute respiratory infections (20 per cent)
- Diarrhoeal diseases (17 per cent)
- HIV/AIDS (2 per cent)
- Measles (2 per cent)

326. Problems at birth consist of:

- Severe infections (31 per cent)
- Respiratory distress (23 per cent)
- Prematurity (20 per cent)

- Neonatal tetanus (11 per cent)
- Malformations (5 per cent), diarrhoea (3 per cent)
- Diverse causes (7 per cent)

327. Low weight at birth and malnutrition are also major risk factors (50 per cent). Most of these causes are easily avoidable and could be tackled as priority issues with specific targeted measures.

328. The underlying causes of neonatal mortality and the corresponding risk factors in Guinea are still malnutrition and malaria in mothers, frequent pregnancies, early pregnancies, late pregnancies and the lack of antenatal monitoring. Dysfunctional health services are another problem. Emergency obstetric care is poor in quality and difficult to obtain owing to a combination of factors, including: a shortage, in terms of both quality and quantity, of human resources, such as midwives; the poor distribution of human resources among the regions; and a shortage of technical equipment.

329. The Labé and Kankan regions are particularly affected by the lack of equipment. The mortality rate among newborns is also linked to the lack of intensive care equipment suitable for newborns in the country's hospitals and clinics.

330. Other underlying causes of infant/child mortality (mortality among children aged 1–59 months) are associated with food insecurity, the difficulties (geographical and financial) of accessing either preventive or curative medical care, and inappropriate behaviours and practices in the home and the community. The low quality of the care provided in health facilities also plays a part.

331. The inadequate provision of supplements to offset micronutrient deficiencies caused by poor breastfeeding habits and the mismanagement of the introduction of complementary foods also has a bearing on mortality in children aged 1–59 months. A lack of hygiene in the home and the environment is another underlying cause of mortality in this age group.

332. The root causes of both neonatal and infant/child mortality are essentially the high levels of female illiteracy and extreme poverty, which interact with other factors, such as the lack of prevention capacity, the inadequate follow-through of health policies and the lack of resources for implementing those policies.

2.3 Possession and use of mosquito nets

333. Mosquito nets are an effective means of protecting people against malaria-transmitting mosquitoes. One household in four (27 per cent) has at least one mosquito net. Only 12 per cent of children in households with children under the age of 5, however, sleep under a mosquito net. Around 13 per cent of women, pregnant or otherwise, sleep under a mosquito net.

2.4 Protection against HIV/AIDS

334. Until recently, Guinea was classified among the group of African countries in which HIV/AIDS was relatively rare, but a number of warning signs in the last few years have resulted in a huge effort being launched to contain the pandemic. Between 1987 and 2001, a total of 9,279 persons in Guinea were recorded as having HIV/AIDS. The breakdown by age and sex shows a slightly higher prevalence among men (52 per cent) than women (45 per cent), with children being hardly affected at all (3 per cent). The evolution of the male and female infection rates in the cases reported between 1987 and 2001, however, shows that HIV/AIDS spread faster among women: there were 80 men for every 100 women infected in 1987 but only 84 for every 100 in 2001.

335. The data from the 2005 Demographic and Health Survey show that 1.5 per cent of the national population is infected with the HIV virus. Among women, the infection rate is 1.9 per cent, compared with 0.9 per cent for men, which means that the ratio of infected women to men is 2.1:1.

336. In response to this situation, the Government, together with the country's development partners, has been working hard to halt or at least stabilize the spread of HIV/AIDS. A national multi-sectoral committee to combat HIV/AIDS was established in 2002. Large sums of money have also been spent in the last few years on HIV/AIDS prevention and awareness-raising activities.

337. The main causes of the spread of HIV/AIDS are:

- Failure to appreciate the risk of infection
- Inadequate care of the sick
- Poor governance
- Prostitution and sexual relations with multiple partners, together with the non-use or misuse of condoms
- Rape

338. The underlying causes are basically associated with the shortage of medical facilities (e.g. voluntary screening centres and outpatient treatment centres) and the lack of personnel trained in the syndromic management of sexually transmitted infections. The lack of sex education modules in school and university curricula is also partly to blame.

339. Frequent interruptions in the supply of antiretroviral medicines at the national and local levels are another underlying cause. The deeper causes are essentially linked to illiteracy, the widespread practice of genital mutilation and certain sociocultural factors that lead to stigmatization and discrimination.

Action taken

340. Several steps have been taken in the last few years to halt the spread of the disease:

- An educational and capacity-building campaign (on family planning, disease prevention, etc.) was organized by United Nations agencies (United Nations Development Programme (UNDP), World Health Organization (WHO), United Nations Population Fund (UNFPA), United Nations Educational, Scientific and Cultural Organization (UNESCO), UNAIDS and UNICEF), the World Bank, civil society and specialized NGOs (SIDA Alerte, ASFEGMASI, Coopération d'aide à l'enfance)
- A project to promote the use of condoms has been implemented with the support of Population Service International (PSI) and USAID
- AIDS prevention training has been incorporated into school programmes, with the support of the World Bank and UNICEF
- New associations and NGOs have been established
- Special projects for youth have been introduced in neighbourhoods and schools, including anti-AIDS clubs and youth advisory services

2.5 Malaria

341. Malaria is the main cause of morbidity in Guinea and its economic impact is enormous.

342. Malaria is the main cause of morbidity and mortality in Guinea, and the malaria-related hospitalization rate rose from 108.3 per cent in 1998 to 115.3 per cent in 2003. The rainy season is when most cases are registered, with cases peaking in July and August. The savannah regions of Haute Guinée and the mountainous regions of Moyenne Guinée are the least affected, with annual incidences of 53 per cent and 86 per cent, respectively. The areas of dense forest in Guinée Forestière and the swamplands of Basse Guinée, meanwhile, are the worst affected. The incidence of malaria there is often around 224 per cent. A national study in 2004 showed that over 2,350,000 working days are lost each year by malaria sufferers and 1,705,000 by their companions.

343. Moreover, varying degrees of resistance to the usual anti-malarial drugs have been observed in the country. The worst-affected prefectures include Nzérékoré (28 per cent) and Boké (21 per cent), where chloroquine is no longer effective for treating malaria.

344. The absence or ineffectiveness of protection measures are the direct cause of malaria. The use of insecticide-treated mosquito nets is far from widespread in the country. Moreover, self-medication and the tendency to seek advice from sidewalk pharmacies, drugstores and other unsuitable sources are increasing the proportion of malaria-related deaths.

345. The most important underlying cause is without a doubt the poor handling of malaria cases: either malaria sufferers seek non-professional care or health services are unable to ensure proper treatment.

346. In the case of the latter, the problems stem from gaps in the medicine supply chain, the shortage of clinics and equipment and the lack of personnel who can correctly diagnose and treat the disease.

347. The deep causes are therefore associated with poor management (of health-service personnel, financial resources and medicine stocks, especially the stocks of essential medicines) and the inadequacy of the budget allocated by the State to the health sector. Widespread poverty, which explains the scant use of insecticide-treated mosquito nets, and a physical environment that is conducive to malaria make the inadequacies of the health system even more apparent.

2.6 Tuberculosis

348. The national target in the fight against tuberculosis is to detect 70 per cent of cases and cure 85 per cent by 2015.

349. Some progress has been made, but tuberculosis is still a major public health problem.

350. Although there has been some progress, tuberculosis, like AIDS and malaria, is still a major public health problem in Guinea. According to WHO, in 2004 the incidence of smear-positive respiratory tuberculosis was 104 cases per 100,000 inhabitants and the incidence of tuberculosis in any form was 236 cases per 100,000. According to the *WHO Report 2005: Global Tuberculosis Control*, the estimated prevalence of tuberculosis in any form was 407 per 100,000 persons in 2005. From 1990 to 2004, 67,371 cases of tuberculosis in any form, including 45,427 cases of smear-positive pulmonary tuberculosis, were diagnosed and treated. The total number of cases more than tripled between 1990 and 2004, from 1,988 to 7,367 cases. About 78 per cent of the new cases of smear-positive pulmonary tuberculosis detected in 2004 involved young adults (aged between 14 and 44 years), with twice as many men affected as women.

351. The results of the treatment of tuberculosis sufferers in 2002, show that of the 4,300 new cases of pulmonary tuberculosis reported, 4,246 (98 per cent) were treated. The overall success rate in the treatment of new cases of smear-positive pulmonary tuberculosis was 71

per cent but varied by region (63 per cent in Basse Guinée and 69 per cent in Haute Guinée). Failures were more frequent in Basse Guinée (15 per cent), Haute Guinée (13 per cent) and Guinée Forestière (12 per cent). Despite having better equipment and more qualified medical staff, contagion was more common in Conakry, which recorded almost half (47 per cent) of all new cases in 2002. The Government has responded to the situation by establishing a national programme to combat tuberculosis, which is being implemented by a national coordinating committee through regional and prefectural teams and has been incorporated into the country's primary health-care programmes.

352. The direct causes of tuberculosis are connected to the fact that many people with persistent coughs wait too long before seeking medical advice because they do not have enough information about the disease. Malnutrition and undernourishment, together with poverty, the recurrence of certain immunosuppressive conditions (HIV/AIDS, diabetes) and the irregular treatment of illnesses, also play a significant role in increasing the number of tuberculosis cases. The underlying causes include the lack of access that women with tuberculosis have to quality health services and the late detection and underreporting of suspected cases in health centres and health posts.

353. The lack of motivation and skills among health-service staff, the dilapidated conditions of health facilities and the isolation of certain areas are also underlying causes of the persistence of tuberculosis in the country.

354. Other factors include: the failure to ensure that the national programme to combat tuberculosis reaches certain vulnerable population groups, such as prisoners and refugees; the high turnover among those engaged in the fight against the disease; the lack of involvement of the private sector (both doctors' offices and clinics) and of communities in the fight against tuberculosis; inadequate logistics and equipment; the lack of collaboration between the tuberculosis and HIV/AIDS programmes; and the stigmatization of the sick by their friends and families.

355. The root causes are linked to the gradual deterioration of basic health care and the heavy dependence on foreign aid, which has accentuated the vertical nature of the national programme to combat tuberculosis.

356. They include: the impoverishment of health services, which has led to the progressive deterioration of the basic health-care system; the heavy dependence on foreign aid, which accentuates the vertical nature of the national programme to combat tuberculosis; the failure to incorporate anti-tuberculosis activities into basic health services; the political conflicts in the subregion that displace thousands of persons; and promiscuity.

2.6.1 *Harmful practices (traditional and modern)*

357. Article 265 of the Criminal Code of 1969 prohibits the genital mutilation of men (castration) and women (excision) and establishes life sentences for offenders.

358. The Reproductive Health Act of 10 July 2000 criminalizes female genital mutilation, including excision and infibulation, and establishes penalties for offenders.

2.6.2 *Incidence and scope*

359. Traditional and modern harmful practices.

360. Traditional harmful practices include tattooing, polygamy, early pregnancy and discrimination against women in inheritance matters (access to property, land, livestock, housing, etc.).

361. The most common harmful practice is female excision. Usually group ceremonies are organized for several girls from different families at harvest time or during school

holidays. The results of the Third Demographic and Health Survey show that the vast majority (99 per cent) of Guinean women have undergone excision.

362. Also, 93 per cent of women with at least one daughter have had their daughters excised (54 per cent) or intend to do so (39 per cent). The proportion is extremely high across all sociodemographic groups.

363. Excision is seen as an obligatory rite of passage into motherhood for young girls among many ethnic groups in the country. Ambiguity about the relationship between religion and excision, however, can be found among men and women. Men and women also agree in general on whether girls should continue their schooling after they have been excised, although a number of men state that they cannot see how continuing to attend school after excision benefits the girls.

364. Less drastic and more modern forms of excision (nip/cut) are being more frequently practised on girls than they were among their mothers (50 girls to every 2 mothers).

365. According to the survey, most women (48 per cent) underwent excision when they were aged between 5 and 9, and slightly over one third (35 per cent) when they were aged between 10 and 15. The median age at the time of excision is estimated to be 9.3 years.

366. Modern harmful practices meanwhile have arisen as a result of economic, cultural and other forms of globalization and are affecting the most vulnerable segments of the population, especially children. However, data on the subject are equally scarce.

367. It is apparent, however, that certain phenomena, such as skin depigmentation (which involves the use of corticosteroids and other types of cosmetics), especially among young girls in urban areas, as well as homosexuality (also especially in urban areas) and gang violence in schools, are on the rise.

2.6.3 *Developments and trends*

368. The Criminal Code of 1969, which prohibits the practice of excision, was backed up by the Government's condemnation of the practice in 1989. The awareness-raising activities of the NGO Cellule contre les pratiques traditionnelles affectant les femmes et les enfants (CEPETAFE) are gradually changing attitudes, and have resulted in practitioners in certain prefectures handing in the knives used in excisions. The Second Demographic and Health Survey also shows that the proportion of women who have had their daughters undergo excision is smaller among younger women. This does not necessarily reflect a downward trend, however. Younger women are less likely to have daughters of the age to be excised.

369. It is therefore important, when analysing trends in this age group, to identify the proportion of women who intend to have their daughters excised when they reach the age for it. And indeed, among the younger age group, the proportion of women who do not intend to have their daughters undergo excision is slightly higher than among their older counterparts. For example, 11 per cent of women aged 15 to 19 and 7 per cent of those aged 20 to 24 do not intend to have their daughters undergo excision, compared with 5 per cent or less among women aged 25 and over. This indicates a positive trend even though only small proportions in both groups do not intend to have their daughters excised.

370. Perceptions of female genital mutilation and its harmful consequences for girls and women are clearly changing among men and women alike. Some of the harmful practices mentioned are becoming increasingly monetarized, however, and more and more excisions are being carried out clandestinely because they are being condemned both within the country and by the international community.

2.6.3 *Causes*

371. The pursuit of gain is a direct cause of most of the traditional harmful practices performed on girls. Excisions, for example, are a source of income for those who perform them since practitioners receive payments (in kind or money) from the girls' families.

- Inadequate material and financial support (even in the form of income-generating activities) for those who perform traditional harmful practices is therefore one of the underlying causes of female genital mutilation. The practitioners say they have no other source of income.
- The penetration of the monetary economy in ordinary households life means that practitioners must exact payment for their services.
- Deeply rooted traditional beliefs are also a structural cause of the practice's perpetuation. According to the Second Demographic and Health Survey, around one in five women (22 per cent) think the practice should be stopped, while over two thirds (68 per cent) think it should be continued.

372. A slightly smaller proportion of men, just over half (52 per cent), say they think the practice should continue. More rural men are in favour of continuing the practice (61 per cent). Almost two thirds of women (65 per cent) cited "social approval" as one of the advantages of excision, 31 per cent cited "religious obligations" and 17 per cent "hygiene reasons". Only 9 per cent of women said that excision did not offer any advantages. This shows how much sway traditional beliefs hold in Guinea.

- Families know little about the consequences of these practices. The Second Demographic and Health Survey shows that over half of all women (59 per cent) cited pain to be one of the main drawbacks of excision. A further 11 per cent reported medical and health problems, and 9 per cent said that excision "prevented women from attaining sexual satisfaction". Meanwhile, 32 per cent of women said that excision did not have any drawbacks.
- The lack or poor dissemination of information on national and international legal instruments is an underlying cause of the problem. The population knows little or nothing about the provisions and preventive measures set forth in the country's legislation on harmful practices. The legislation therefore fails to deter the practice of excision.
- Illiteracy, especially in rural areas, is one of the more obvious structural causes. According to the Second Demographic and Health Survey, it is the 75 per cent of women who are illiterate who are most in favour of continuing the practice of excision.

2.6.7 *Achievements*

373. These can be summed up as follows:

- The handing in of the knives used in excision by women in Haute Guinée (Kouroussa and Kérouané), followed by the introduction of projects to help those women
- The provision of materials and food staples (grains) to the women who have handed in their excision knives
- The organization of information and awareness-raising sessions and training for local leaders, opinion leaders, religious leaders, civil society, etc., on the harmful consequences of the practice for young girls

2.6.8 *Constraints*

374. The main constraints are strong social resistance to change (whether it be polygamy, excision or dowries) and the persistence of erroneous beliefs (sorcery, the evil eye, charlatanism).

2.6.9 *Opportunities*

375. These include:

- The political will of the Government to combat degrading practices (the law against female genital mutilation, strong support for the schooling of girls)
- The dynamism of the institutions engaged in the fight to end harmful practices
- Changes in people's attitudes towards these scourges
- The freedom of the press to report and comment on these matters
- The growing interest displayed by council elders, citizens' groups, associations, communities and families in combating these practices

(b) Article 23 of the Convention: Children with disabilities

376. According to the General Population and Housing Census, there are 23,629 children aged between 6 and 12 with disabilities in the country, of whom 8,426 have sensory impairments (i.e. they are deaf mutes, blind or have mental disabilities).

377. It is difficult for these children to access education, therapy, care or recreation. There are two schools (both in Conakry) for the most fortunate among them, but they only have room for 165 children between them.

378. There is only one special school for children with visual impairments, also in Conakry, designed to take up no more than 30 students. However, 27 girls and 7 boys currently attend. Deaf mute children face similar problems.

2.7.1 *Children aged 13–18*

379. The main problem facing children with disabilities in the 13–18 years age bracket is their socioeconomic integration. They have problems accessing occupational training, jobs and therapy.

380. There is not one secondary school in the whole country that specializes in children with sensory disabilities (children with mental disabilities, deaf mute children and blind children) or that is equipped to receive them. Without skills, they have limited chances of accessing the employment market or obtaining funding for a business of their own. Rejected by the system for "normal" people, these adolescents are often forced into begging or idleness.

381. The results of the Population and Housing Census of 1996 showed the situation to be as follows:

382. In the 10–19 years age bracket, there were 21,950 children with disabilities, of whom 10,164 (46.31 per cent) were girls. The distribution of disabilities was as follows:

- Blind children (830 in total: 391 girls and 439 boys)
- Children with mental disabilities (2,707 in total: 1,178 girls and 1,529 boys)
- Deaf mute children (4,045 in total: 1,876 girls and 4,932 boys)
- Children with other disabilities (5,204 in total: 2,487 girls and 2,717 boys)

2.7.2 *Developments and trends*

383. There is no statistical database or system for regularly collecting data on the situation of children with disabilities that would make it possible to identify changes in their situation or the problems they face. Given the growth rate of the population in Guinea and the fact that no radical measures have been taken to prevent or reduce certain types of disabilities, it must be supposed that the number of children with disabilities has increased.

2.7.3 *Causes*

384. The causes include:

- The shortage of specialized infrastructure
- The lack of family support, which makes children with disabilities vulnerable to exploitation and child labour
- The fact that children with disabilities often end up as street children
- The ineffectiveness of social policies and programmes
- The inadequacy of the resources allocated to the sector and the poverty of parents
- The lack of reliable data on the sector
- The shortage of resources
- Widespread poverty
- The lack of specialized institutions
- The limited involvement of civil society and the lack of interest among donors, which are challenges that need to be addressed

2.7.4 *Action taken*

385. Despite the difficulties involved, several measures have been taken, mostly by the Ministry for Social Affairs, the Advancement of Women and Children's Affairs, which is the only agency addressing the needs of children with disabilities. Several legal, institutional and infrastructural measures have been taken to reduce the scope of the problem, and work has been done with other Government agencies, national and foreign disability organizations, and humanitarian aid agencies and institutions, as well as with the agencies of the Organization of African Unity and the United Nations.

386. There are several special schools, including a school for the deaf, which was established in 1964. It is the only school in the country for children with hearing problems and at present offers only primary education. There is also a school for blind children, which was set up in 1990 by Guinean associations for the blind. It is the only school that specializes in educating blind children.

- The "Cité de Solidarité", which was established under Decree No. 182/pro/78 of 29 March 1978, is a public charity and humanitarian centre whose mission is to care for and rehabilitate Guineans with disabilities with a view to integrating them into society. It houses 340 persons.
- The national orthopaedics centre is a public institution that provides therapy to persons with physical disabilities, including children, and fits them with prostheses, as applicable.

Several national and international NGOs, working in partnership with the Directorate of Social Protection and Development of the Ministry for Social Affairs, the Advancement of

Women and Children's Affairs and the United Nations, are currently investing in improving the independence and integration of children with disabilities.

387. These include: Federation guinéenne pour la promotion des associations de et pour personnes handicapées (FEGUIPAH), Association guinéenne pour la formation et la réinsertion (AGFRIS), Association guinéenne pour la promotion des aveugles (AGUIPA), Union Handicap-Guinée, Agence guinéenne pour la promotion de l'emploi (AGUIPE), Terre des Hommes International Foundation, Handicap International, the Adventist Development and Relief Agency (ADRA), International Contact Group for Guinea (CGI/Guinée) and Centre Nimba. They support a wide range of projects.

2.7.5 Constraints

388. Poverty, the small budget allocated to social development and the lack of resources among NGOs and associations make it impossible to significantly improve the situation of children with disabilities.

3. Health and health-care services (art. 24)

3.1 The health system

389. The infrastructure of the health sector has expanded considerably. It consists mainly of public and private health facilities of different kinds.

3.2 Public health facilities

Type	Number	
	Prior to 2000	In 2004
Health posts	-	341
Health centres/enhanced health centres	370	380
Prefectural hospitals/hospitals offering both medical and operating facilities	-	34
Regional hospitals	7	8
National hospitals	2	2

Source: National Directorate of Hospital and Medical Establishments.

390. The physical conditions and operational status of the facilities depend on their level of completion, the technology they use and how well they are maintained.

391. The figures in the table show that there are now more health facilities in the country, but in certain areas, due to their isolation, there is a huge shortage of technical equipment and medicines and hence of staff as well.

392. Nevertheless, the two national (teaching) hospitals have been completely renovated and re-equipped; the one in Donka has a new wing that has been outfitted with the latest technology, including a kidney dialysis and diabetes unit. The eight regional hospitals have also been renovated and are working at 100 per cent capacity.

393. The equipment in the different hospitals generally corresponds to that set out in the country's health plans, but its operational status varies considerably.

3.3 Private health facilities

394. The private medical sector currently comprises 19 clinics, 2 hospitals, 219 medical practices, 11 dental surgeries and 16 midwives' practices.

395. It should be noted, however, that the informal health sector is growing rapidly and in an uncontrolled manner. It is expanding the supply of health services, but little information is available on the fees charged or on the quality of the services provided. The informal sector also threatens the viability of the public health facilities.

396. The pharmaceutical and biomedical sector comprises 230 pharmacies, 40 sales points and 10 laboratories. Attention must be drawn in this regard, however, to the illicit sale of pharmaceuticals by the so-called sidewalk pharmacies, whose activities are not subject to any form of taxation and whose products offer no guarantees as far as their provenance and quality are concerned.

4. Article 26 and article 18, paragraph 3, of the Convention: Social security and childcare services and facilities

397. Less than 2 per cent of workers are covered by social security in Guinea, and they are all in the private sector. Some insurance companies have contracts with private schools that insure the pupils while they are at school.

398. The number of childcare facilities in the country is not known, but is thought to be very low. Most operate in Conakry and some of the larger towns, particularly the mining towns.

399. Childcare facilities are only accessible to those who can afford to pay the fees. Most public-sector workers do not have access to such facilities.

400. All public servants receive a family allowance, however, of 2,000 Guinean francs per child aged between 1 and 18 years.

5. Article 26, paragraphs 1–3, of the Convention: Standard of living

401. Guinea drew up a national poverty reduction strategy paper with its development partners in 2000. The strategy has three pillars:

- (a) Acceleration of growth and wealth creation;
- (b) Access to basic services;
- (c) Improved growth.

402. Despite the considerable efforts put into implementing the strategy, insufficient progress has been made in the fight against poverty. GDP growth was 1.2 per cent in 2003 and 2.5 per cent in 2004, while the population expanded at an estimated rate of 3.1 per cent. Poverty has in fact increased in the country. In 2002/03, 49 per cent of the population was estimated to be living below the poverty line (and 27.2 per cent of that segment were classified as indigent), compared with 40.3 per cent in 1994/95.

IX. Education, leisure and cultural activities

(a) Article 28 of the Convention: Education, including vocational guidance and training

403. National education policy and the Government's strategies on education for all in 2000 serve as reference documents. The aims of the plan on basic education for all, adopted in 1991, are in line with those established by the World Summit for Children.

Preschool education

404. Before the launch of these programmes in 1990, preschool education had been very limited, with nine nursery schools in Conakry (including one State-run school), four in Guinée-Maritime and three in Guinée-Forestière.

405. Following ratification of the Convention on the Rights of the Child and the World Education Forum, preschool education developed rapidly, in terms of the number of registered establishments and enrolment levels, as well as the revitalization of the education system and supervision.

406. As compared to the situation of preschool provision in 1984–1995, when there were 194 nursery schools, 4 orphanages and 1 children's home, progress was made in this area in the period 2002–2003.

407. In Guinea, preschool care includes four types of establishment: crèches, childminders, nursery schools (with three levels – junior, middle and top class) and community childcare centres.

408. In 2004, 1,337 registered preschool institutions cared for 67,881 children, including 33,420 girls (49 per cent). Nursery schools accounted for the majority of establishments (1,256) and children (62,888) in preschool.

409. Despite the increase in the number of institutions, preschool enrolment rates remain very low, at 4.8 per cent gross or 4.4 per cent net, with no discernible difference between girls and boys.

410. Preschool education is almost entirely in the hands of the private sector, which manages 1,228 of the 1,337 establishments registered in 2004. Community childcare centres, introduced under the guidance of the National Directorate of Preschool Education and Child Protection (Ministry for Social Affairs, the Advancement of Women and Children's Affairs), now number 106, of which 75 are supported by UNICEF and 31 by the communities themselves, following training. The public sector has only three such establishments.

411. Community childcare centres were built by the Christian Children's Fund and by the communities themselves.

412. Childcare facilities are not equally distributed: over half the establishments (51 per cent) are in the Conakry region, where they look after 50 per cent of the children who attend preschool; Guinée-Forestière has 377 and the six regions of the country have only 277, which provide preschool education for 15,617 children.

413. There is little discrimination between girls and boys at this stage of their education: girls comprise 49 per cent of preschoolers at the national level; the lowest share of girls is 46.1 per cent in the Nzérékoré region.

414. Nonetheless, there are very large regional disparities: the rate of preschool enrolment varies from 20.8 per cent in Conakry to 0.7 per cent in Faranah.

415. Most preschool children are in mixed-level classes; 818 of the 1,337 teaching groups have pupils of different levels and share the same teacher and classroom. The number of classrooms, at 1,787, is significantly lower than the number of teaching groups, which stands at 2,602.

Table 3
Preschool data by administrative region

<i>Preschool region</i>		<i>Administrative region</i>							
<i>Administrative region</i>	<i>Number of schools</i>		<i>Number of pupils</i>		<i>Number of teachers</i>		<i>School</i>		<i>School</i>
	<i>State</i>	<i>Private</i>	<i>Total</i>	<i>Girls</i>	<i>Total</i>	<i>Women</i>	<i>Reg'd</i>	<i>Reg'd</i>	<i>Community childcare centre</i>
Conakry	3	663	39 179	19 495	1 350	492	79	584	1
Kindia	0	36	7 530	3 441	152	139	5	31	10
Mamou	0	24	3 760	156 775		68	8	16	7
Faranah	0	15	3 025	134 767		60	5	10	20
Boké	0	35	5 250	2 087	105	96	2	33	17
Kankan	0	23	3 850	181 379		68	3	20	4
Labé	0	31	4 712	182 092		82	2	29	2
Nzérékoré	0	57	15 950	6 814	317	305	6	51	33
Total	3	884	83 256	3 838	2 237	1 760	110	774	99

Source: Ministry for Social Affairs, the Advancement of Women and Children's Affairs/National Directorate of Preschool Education and Child Protection.

Primary education

Situation and trends

416. From 2001/02 to 2005/06, the gross primary school enrolment rate rose from 70 per cent to 78 per cent, a gain of 8 percentage points. The net enrolment rate rose from 57 per cent to 63 per cent during the same period. The completion rate for sixth grade rose from 38.9 per cent in 2001/02 to 60 per cent in 2005/06.

417. These results were achieved thanks to the combined efforts of the Government, grass-roots communities, the private sector and development partners. In total, 5,128 classrooms were built during this period, over 40 per cent of which were built by the private sector.

418. According to the results of the 2002 questionnaire on basic indicators of well-being, 75.82 per cent of households had access to primary education in 2002, compared to 62.3 per cent in 1999 (access is defined as the percentage of households within 30 minutes of the nearest school); 57.1 per cent of households are less than 15 minutes from a primary school and only 11.5 per cent are located one hour or more away.

419. The education system is short of capacity. The number of schools rose from 3,118 in 1994/95 to 6,149 in 2004, an average annual increase of 11 per cent. In 2004, there were 4,494 State schools (73 per cent), 1,324 private schools (22 per cent) and 322 community schools (5 per cent), with a total of 35,863 classrooms throughout the country. There are also insufficient classrooms for the school-age population. In fact there are large disparities between regions in the number of school-age children per classroom. Labé (72 school-age

children per classroom), Boké (69), Kankan (68) and Nzérékoré (67) regions have the highest ratios, while the lowest ratio is in Conakry (34), followed by Mamou (56); the national average is 57. This demonstrates the need for more classrooms.

420. A higher percentage of classrooms are situated in rural areas rather than urban areas. Mamou region has the lowest percentage of schools in urban areas (25 per cent) and Labé region has the highest (30 per cent). Moreover, it should be noted that only about 29 per cent of schools in the country provide the full school cycle, educating 60 per cent of students. In this regard there are also significant disparities.

421. While 78 per cent of schools in Conakry provide the full school cycle, only 11 per cent of schools in Labé do so. The situation is even more worrying in rural areas, where over 50 per cent of students are educated and yet only 10 per cent of schools provide the full cycle, compared to 19 per cent in rural areas. On the other hand, the proportion of schools offering all levels of primary education rose from 22 per cent in 1997 to 30 per cent in 2003.

422. This proportion has increased by only 4 per cent in the last six years. In 2003, the 30 per cent of the 6,149 schools that offer all levels of schooling educated 62 per cent of Guinean children, thus guaranteeing the continuous provision of education covering the entire primary cycle. Sixteen per cent of schools offer only one level, regardless of the year of study, while 18 per cent offer two levels. It would appear that the 38 per cent of students educated in schools that do not offer the full cycle suffer from gaps in their education.

423. The lack of infrastructure is compounded by a shortage of teachers; this shortage primarily affects rural areas, where not all classes have a teacher. However, the number of teachers increased from 17,340 in the period 1990/2000 to 26,932 in the period 2004/05.

424. This represents an increase of 55.31 per cent, which was made possible by recruiting a large number of staff on temporary contracts. There is a marked disparity between Conakry and the other regions of the country. The Conakry region contains the largest number of teachers (25.98 per cent). The Faranah, Mamou and Labé regions are the areas with the lowest levels of teachers, with 7.4 per cent, 7.69 per cent and 8.32 per cent of teachers respectively. Teacher-pupil ratios varied from 44:1 to 46:1 in 2004/05. In 2004/06, 10 per cent of available classrooms were not used. Other factors also prevent access to basic education for all children.

Challenges

Access to latrines

425. According to the national statistics service, the number of students per latrine nationally is 75. Kindia and Faranah have the highest respective ratios of 123 and 113 in urban areas. In Nzérékoré, however, with a ratio below the national average at 62, the situation is the same in all areas. As far as rural areas are concerned, the Labé region has the highest ratio of 95, while Faranah has the lowest, at 51.

426. It should also be noted that maintenance problems mean that students might become ill from using the latrines.

Access to water sources

427. Only 29 per cent of Guinean schools have a clean water source. The region with the best levels of provision is Conakry, where 76 per cent of schools have a clean water source, while the lowest levels of provision are in Kindia and Labé (19 per cent), followed by Boké (22 per cent), Faranah, Nzérékoré (23 per cent) and Mamou (24 per cent).

428. In urban areas, 76 per cent of the schools in Conakry have a water source, as compared to less than half (32 per cent) of the schools in Boké. A lower proportion of schools in rural areas have water sources: 20 per cent in Boké and Mamou, and only 15 per cent in Kankan.

Parents' and communities' lack of interest in education and reluctance to send their children to school

429. This reluctance persists in rural areas where traditional agricultural methods require a large workforce.

High cost of schooling

430. Although basic schooling is free in Guinea, families have to spend significant sums on items such as school kits and clothing.

431. Worsening poverty acts as a barrier to community participation in running schools.

Geographical and gender-based disparities

432. The disparities observed between towns and the countryside, and between boys and girls, can be attributed to the shortage of local schools, which leads, for example, to high student-teacher or student-classroom ratios and to a reluctance on the part of parents to send young girls far from home. The sociocultural forces that weigh particularly heavily on the education of girls do not spare boys, who are perceived in many communities as too valuable a source of labour to be sent away, even for an education.

Poor quality of teaching

433. The poor quality of teaching is largely explained by the shortage and poor quality of teachers and schools, as reported above. It is clear, however, that a lack of teaching materials and textbooks is not conducive to the provision of a quality basic education. For example, only in French and mathematics does each pupil at least have a textbook. For other subjects, pupils do not have their own textbooks. The situation is particularly bad in history and geography, with 10 students sharing just one textbook. Overall, 14 per cent of schools face a serious shortage of textbooks, which has a damaging effect on school performance.

Poor hygiene in schools

434. Among the factors that lead to school dropout and have a negative impact on pupils' performance, poor health, malnutrition and hunger stand out. Sanitation at school remains a concern, given the high prevalence of parasitic intestinal and urinary infections, malaria, micronutrient deficiencies and, above all, the spread of sexually transmitted infections and HIV/AIDS among students and teachers alike. By way of example, in 2003 the prevalence of goitre, which is linked to iodine deficiency, was 26.7 per cent among school-age children, while 63 per cent of school-age children have helminth infection.

435. Hunger is a very real problem in schools and affects pupils' academic results and attendance. According to a recent study in Coyah and Dubréka, students who have repeated a school year three times are essentially those who typically eat only one meal a day.

436. The introduction of school canteens to address this situation is progressing very slowly. Furthermore, not all schools have latrines; the national average is 78 pupils per latrine. As for access to water sources, only a small proportion of schools can claim to have one, even though a water source is essential to maintaining a healthy and welcoming environment for children, particularly girls.

437. Although considerable progress has been achieved in this area, many serious problems remain. These include:

- The shortage of teaching facilities (at the national level 26 per cent of primary schools have less than three classes)
- The shortage of budgetary resources to meet running costs in the sector
- Inadequate teaching and instruction (in 2002, 64.4 per cent of students reported that they were not satisfied with school services – shortage of teachers and teaching materials, cost of education, etc.)
- The persistence of certain stereotypes and sociocultural barriers that hinder universal school enrolment, notably among girls

Policy

438. Government education policy is based on six key components:

- (a) Extending basic education;
- (b) Improving equality and access to education at every level;
- (c) Boosting non-formal education;
- (d) Improving the quality and effectiveness of teaching;
- (e) Institution-building;
- (f) Revitalizing basic services.

439. To implement this policy, the Government has introduced the Education for All programme, which is the framework for the activities of all key partners in the sector. The programme affects every level of the Guinean education system, with a key component focusing on basic education. The plan is designed to cover a period of 12 years, divided into three phases lasting four years each.

440. The Government's education policy should be implemented by: (i) continuing to develop school infrastructure and equip schools; (ii) producing textbooks and teaching materials that match the curriculum; (iii) supporting active involvement from the community in the running of primary schools (finance, administration, management); and (iv) institutional and human capacity-building.

Partnerships

441. For some 15 years, the international community has been making a sustained contribution to the development of the education sector in Guinea, notably at the primary level. These efforts are ongoing, essentially under the Education for All programme, the key objective of which is achieving universal school enrolment by 2012.

442. A common programme of action and a joint annual review ensure the coordination of activities. The annual review is a periodic evaluation of the results of the programme, and brings together decision makers, national actors, and technical and financial partners. The key aims of the joint review are: (i) to evaluate the implementation of the programme, on the basis of the progress achieved by the action plans rolled out in the past year; (ii) to propose improvements that will rectify the shortcomings observed and achieve the goals of the programme; (iii) to examine and approve the action plans budgeted for the following year.

Monitoring and evaluation

443. Table 4 shows that the outlook for monitoring and evaluation is very positive. Survey, data collection and analytical capacities continue to be widely available.

Table 4

Monitoring and evaluation

<i>Environment</i>	<i>Evaluation</i>		
	<i>Strong</i>	<i>Medium</i>	<i>Weak</i>
Data collection capacity	xxx	-	-
Quality of latest survey	xxx	-	-
Capacity to process and analyse statistics	xxx	-	-
Capacity to integrate statistical analyses into the development of policies and resource allocation mechanisms	xxx	-	-
Evaluation and management mechanism	xxx	-	-

444. At this level, we are focusing on the following data: summary table of data from 1991/92 to 2003; gross enrolment rates from 1992 to 2003, broken down by sex; gross rates of admission to first grade for 2002/03, broken down by region and by sex; results of examinations for entry to seventh grade from June 2001 to June 2002, broken down by region and by sex; change in the percentage of students repeating a year in 2002/03, broken down by region and by sex; general description of the situation in each geographical area for 2002/03; and distribution of the education budget in 2003 among education subsectors.

Secondary education

445. In the 2005/06 school year, the school-age population was 1,364,513 children: 835,938 in the first cycle and 538,575 in the second cycle. General secondary education had a student body of 478,364 students, of whom 163,468 were girls. The gross enrolment rate in junior high school was therefore 42.6 per cent and 23.1 per cent.

446. At high-school level, girls comprise 34.2 per cent of students. They have a gross enrolment rate of 29 per cent at junior high level and 13 per cent at high-school level.

447. The admission rate for the first cycle (junior high) is 50 per cent overall (36 per cent for girls), while the rate for the second cycle (high school) is 23 per cent overall (14 per cent for girls).

448. With regard to infrastructure, there are 793 establishments possessing a combined total of 5,751 classrooms of all types: 558 junior high schools, 44 high schools and 191 combined junior high/high schools.

449. State schools comprise 57 per cent of the total, and private schools 43 per cent.

450. The teaching force comprises 12,175 teachers: 7,343 in the State sector and 4,832 (39.7 per cent) in the private sector. There are 586 female teachers: 463 in the State sector, and 123 in the private sector (altogether representing 4.8 per cent of the total number of teachers).

451. The number of teachers rose from 4,958 to 12,175 between 1996/97 and 2005/06, an increase of 7,217 teachers. The average annual increase was 16 per cent: the biggest increase (17 per cent) was observed between 1999/2000 and 2000/01 and between 2003/04

and 2004/05, while the smallest increase (3 per cent) was noted between 1996/97 and 1997/98.

Technical education and vocational training

452. In 1996, the Government decided to establish the Ministry of Technical Education and Vocational Training to meet the growing demand for skilled workers, who are essential to the country's development.

453. An analysis carried out in the early 1990s revealed a deplorable situation in this respect. The complete lack of skilled workers meant that they had to be recruited on a large scale from neighbouring countries (Senegal, Togo, Benin, etc.).

454. The reform of technical education and vocational training was undertaken as part of an extensive programme to modernize the entire education system.

455. The new tasks assigned to technical education and vocational training are to:

- Train skilled workers and employees in all socioeconomic areas
- Ensure that training meets the needs of the labour market
- Provide in-service and advanced training at all levels
- Bring training centres closer to users and communities
- Decentralize the management of training institutes and increase their financial independence
- Provide private technical training
- Modernize apprenticeships and support the informal sector
- Train female workers

456. Technical training institutes are geographically distributed as follows:

• Conakry Administrative Region	16
• Boké Administrative Region	5
• Kindia Administrative Region	4
• Mamou Administrative Region	4
• Labé Administrative Region	3
• Faranah Administrative Region	3
• Kankan Administrative Region	5
• Nzérékoré Administrative Region	5

457. In addition, there are 43 private training colleges: 31 in Conakry, 3 in Kindia, 2 in Labé, 3 in Kankan and 4 in Nzérékoré.

458. The groups targeted are as follows:

- Young people between 15 and 24 years of age who are neither in education nor in employment
- Young people with higher qualifications who are not in employment
- Students who are repeating years at school
- Those who hold a high school diploma

- Those who hold a general certificate of secondary education

459. In order to boost the integration of young people into economic and social life, the Ministry of Technical Education and Vocational Training has introduced the following institutional framework:

- A joint consultative committee of the Ministry of Technical Education and Vocational Training, the Ministry of Agriculture, Forestry and Livestock, and professional agricultural organizations to monitor the reintegration of qualified young people
- Centres in Boké offering training for a trade, to encourage the reintegration of young people
- Internships and support for graduates in mining areas
- Craft and technology centres in Matoto and Coyah

460. Technical education and vocational training are a priority under the Government's strategy to reduce poverty through apprenticeships and the economic integration of young people.

461. The thinking behind the approach to vocational education is to manage the system through training institutions and professional networks, while strengthening partnerships and institutional capacities alike through the introduction of a new forward-looking organizational culture in training institutions. This approach puts special emphasis on decentralization, good management of human, material and financial resources, and the involvement of all stakeholders at the grass-roots level.

(b) Article 29 of the Convention: The aims of education, including in terms of the quality of education

462. In order to promote and observe the rights to education and training that leads to a qualification, Guinea aims to ensure that by the end of 2015 all children, both boys and girls, will receive a full primary education.

463. Remarkable progress has been made in the area of primary education: the gross rate of enrolment rose from 60 per cent to 77 per cent between 2000 and 2004, an increase of 28 per cent, which indicates that there is a realistic possibility of achieving a gross enrolment rate of 100 per cent in the future. Among girls, the rate rose from 51 to 70 per cent, as compared to an increase from 69 per cent to 83 per cent among boys.

464. In 2003/04, the rate of admission to sixth grade was 49.16 per cent, as compared to 38.87 per cent in 2001/02.

465. To give more of its citizens access to education, the Guinean Government's Education for All programme focuses on six areas:

- Extending basic education
- Strengthening non-formal education
- Improving access to quality education
- Effective teaching
- Institution-building
- Revitalizing basic services

(g) Article 31 of the Convention: Rest, leisure, play, and cultural and artistic activities

466. The school year is divided into three terms, with a break of two weeks at the end of the first two terms and a summer break at the end of the third term. The three-month summer break coincides with the main holiday season, from July to September. These breaks are generally used by children and parents for leisure activities, such as holiday camps, sports and cultural activities.

467. It is also worth mentioning the leisure facilities set up in youth centres in every town in the country. The centres have projection rooms where educational films on reproductive health for young people and scientific documentaries are often screened.

468. Every year in June — the Month of the Child — schools and youth associations organize fairs, singing and dance competitions and traditional costume parades, which encourage a competitive spirit among children from different schools.

469. Thanks to sponsors such as the RUSAL aluminium company, playing fields have been created in some districts of Conakry to encourage the organization of inter-school and youth association sporting events.

470. Children also participate in drawing and painting competitions both in Guinea and abroad.

X. Special protection measures (arts. 22, 30–36, 37 (b), (c) and (d), and 38–40)**(a) Children in situations of emergency****(i) Article 22 of the Convention: Refugee children***Scope of the problem*

471. Guinea has been greatly affected by the civil wars in Liberia and Sierra Leone that have raged since 24 December 1989. Faithfully observing international human rights agreements, the Convention and the African Charter on the Rights and Welfare of the Child, Guinea has generously opened its doors to more than half a million refugees, including more than 305,000 children and young persons under 18 years of age (or 61 per cent of the refugee population), traumatized and hounded by a war that threatens their survival. They have been given shelter throughout the national territory, but especially in Guinée Forestière.

Table 5

Refugee population in Guinée Forestière, by age and sex

Age	Guéckédou			Kissidougou			Macenta			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
0–4	16 184	17 496	33 680	2 046	2 212	4 258	2 744	2 559	5 303	20 974	22 267	43 241
5–17	66 324	68 638	134 96	8 346	8 988	17 334	9 994	9 498	19 492	84 664	87 124	117 788
18–59	44 870	60 673	105 543	7 369	7 401	14 770	6 199	9 051	15 250	58 438	77 125	135 50
60	4 070	5 365	9 433	451	519	990	3 664	4 753	8 417	8 185	10 635	18 820
Total	131 44	152 17	283 61	18 212	19 120	37 332	22 601	25 861	48 462	172 26	197 15	369 413

Source: UNHCR/Conakry.

Note: 50.8 per cent of refugee children are girls and 49.2 per cent boys.

472. The influx of large numbers of refugees has led to the misuse and deterioration of social infrastructure, with health-care facilities, schools and places of worship occasionally serving as temporary shelters.

473. The construction of makeshift shelters and uncontrolled exploitation of forests and agricultural land that followed has damaged the environment. Cities and villages have become cosmopolitan, thus upsetting established cultural patterns (mores).

474. The increase in delinquency, antisocial behaviour and violence and the corruption of morals resulting from the presence of large numbers of refugee children in bars and drinking establishments has spread violence and intolerance in areas with large concentrations of refugees and in refugee camps.

475. This situation has also given rise to child trafficking and separated children from their families. A study conducted in November 1999 by the International Rescue Committee (IRC) has helped to identify and document 252 separated children on the streets of Conakry. These children were separated from their families following rebel incursions into border areas, resulting in a sadly unknown number of Guinean and refugee children being abducted and forcibly recruited into the rebel forces and turned into child soldiers. Many children who were separated from their families as they fled were taken in by refugee families. Some were taken in by Guinean families on their arrival in Guinea.

476. Although a large majority of these children are now placed in foster families, their specific needs as separated children have not been taken into account. However, their well-being has become a cause for concern today. To date, few specific programmes have been implemented to meet their needs.

477. The exact number of children affected by this situation is not known. IRC puts the number of separated children living in Guinea at more than 10,000.

Developments and trends

478. Since the end of the war in Liberia, UNHCR and the Government have worked to repatriate refugee families to their countries of origin on a voluntary basis.

479. However, the fresh outbreaks of conflict in parts of Sierra Leone have thrust the population into a state of permanent displacement, at times forcing refugees identified and registered by IRC to return.

Causes

480. The armed conflicts in neighbouring countries and their repercussions in Guinea, including the political conflicts, social unrest and social exclusion that have divided the authorities and the people, have affected children more than anyone else.

481. The structural causes of this problem include poor governance (corruption, misappropriation of public funds, unequal distribution of the wealth of the country, etc.), bad economic and social policies and poverty.

482. Action taken:

- Establishment of a programme to increase the security of the nation's borders and major cities
- Establishment of child protection units in the garrisons of the country
- Training of more than 2,000 senior and junior officers and enlisted personnel in the protection of children before, during and after armed conflicts

- Repatriation and reintegration of 25 to 40 former child soldiers demobilized in Liberia
- Care of refugees at the level of basic social services (health, education, water, sanitation, vocational training, etc.)
- Development of programmes on the prevention of sexual violence and on family planning, conflict resolution and peace education
- Support for small community projects for refugees
- Establishment of a family tracing and reunification programme for separated children
- Placement of unaccompanied and separated children
- Support for income-generating activities in the refugee camps in Forécariah and Guéckédou (training, microcredit)
- Mobilization of financial and material resources (food, medicines, clothing, etc.)
- Management of low-lying areas and reforestation of sites

483. These activities were carried out with contributions from the following partners: UNHCR, Médecins sans frontières (MSF) France and Belgium, German Agency for International Cooperation (GTZ), IRC, ABC Développement, Centre for International Studies and Cooperation of Canada, the American Refugee Committee (ARC) and others.

Constraints

484. The main constraints are as follows:

- Crisis management challenges (lack of control over the flow of refugees or ill-prepared settlement areas when unanticipated events occur)
- Insufficient financial and human resources
- Steadily dwindling financial resources available to refugees
- Lack of security at the borders that Guinea shares with its neighbours, owing to the repeated incursions of rebels from Sierra Leone and Liberia into Guinea
- Lack or falsification of identification documents, thereby blurring the distinction between refugees and displaced persons, a large majority of whom are Guineans settled in countries in conflict
- Scarcity of statistical data on refugee issues (difficulties in breaking down the data by age, birth registration, etc.)

485. Opportunities:

- Active involvement of Guinea in resolving the conflicts and wars in Liberia and Sierra Leone
- Cultural affinity between the refugees and local host population (ease of integration)
- Development of an intersectoral partnership (Government, bilateral and multilateral institutions and NGOs)
- Presence of humanitarian organizations active in the field (UNHCR, ICRC, MSF, UNICEF, IRC, ARC, Terre des Hommes, Enfants réfugiés du monde, GTZ, etc.)

- Emergence and strengthening of specialized NGO activities (ICRC/International Federation of Red Cross and Red Crescent Societies, IRC, ARC, Save the Children, Caritas Makeni, etc.)
- Involvement of subregional and regional organizations in the resolution of conflicts (African Women Ministers and Parliamentarians Network and Mano River Women's Peace Network)
- Establishment of a database (Child Connect programme) by IRC to facilitate cross-border family traces and communication between the different agencies working under the programme, which has attracted the attention of many partners such as UNICEF, Save the Children UK and UNHCR

486. There are family tracing and reunification programmes for separated children supported by UNHCR, UNICEF, Caritas Makeni and IRC.

487. There are also shelters and counselling centres for the physical and psychological rehabilitation of children in general and refugee children in particular.

488. Social reintegration is accomplished through:

- Family reintegration
- Placement in host or temporary host families
- Local integration of children through the Durable Solutions Unit and recognition of the legal status of refugee children
- At the vocational level, placing of children in different trades: driving instruction, mechanics, hairdressing, soap-making, etc.
- At the educational level, adaptation of some refugees to the Guinean education system with support for school meals and supplies

(ii) **Article 38 of the Convention: Children affected by armed conflicts, including measures to promote physical and psychological recovery and social reintegration (art. 39)**

489. Guinea was subject to rebel attacks in 2000 in the southern and south-eastern parts of the country, which led to massive displacement of populations towards secure areas, leaving grief and devastation behind them. Several hundred basic social services were destroyed (schools, health centres, hospitals, leisure centres, latrines and drinking water wells). Thousands of children ended up on the streets of other communities, where they cannot attend school. School and vital statistics archives were destroyed. Hundreds of women and girls were raped and traumatized for life.

490. We witnessed more than 9,000 children and young persons organized into self-defence groups to defend and liberate the homeland. These children became uncontrollable at a given moment, having learned to handle weapons. On the initiative of the Ministry for Children, a social and vocational training demobilization and reintegration project was thus launched in the prefectures of Kissidougou and Guéckédou in Guinée Forestière. This project involved only 350 young persons, who received vocational training in eight key areas: coppersmithing, dressmaking, electrical work, bricklaying, information technology, farming, trade and carpentry. This project was funded by UNICEF with technical assistance from GTZ.

491. In addition, with assistance from ICRC, 23 former child combatants in Liberia were demobilized and returned to their homes in Guinée Forestière, involving 16 communities in four prefectures. These children were able to rejoin their families and benefit from a

customized project monitored by the non-governmental organization Sabou Guinée with funding from UNICEF.

(b) Children in conflict with the law

492. Juvenile delinquency is a social trend, which is reflected by an attitude of rebellion and questioning of the educational system and characterized by antisocial and deviant behaviour.

493. Article 40 of the Convention stipulates that: "States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law."

494. Article 37 of the Convention, concerning children in conflict with the law, also protects such children.

495. In legal and practical terms, Guinea and its partners are working to improve the living and prison conditions of all detainees in general and women and children in particular.

Scope of the problem

496. Various decisions have been taken that demonstrate a desire to ensure the right to life, protection, development and participation of vulnerable groups. Despite these provisions, the fundamental rights enjoyed by children are still limited, particularly for children in conflict with the law. Children are not criminally liable and may not be placed in prison under national and international law.

497. However, many children are held in detention and exposed to countless dangers there. A visit to 13 juvenile detention centres conducted in September 2000 turned up 112 children, including seven girls and six teenage mothers living with their children.

498. The children were incarcerated for various offences, including:

- Theft or accessory to theft
- Use or sale of narcotic drugs
- Brawling and vagrancy
- Various other offences

499. Whatever the stage of their remand in custody, children are exposed to degrading treatment. While in police custody, they are mistreated by security force officers. Once in prison they are most often mixed with the adults, who lay down the law and subject them to violence and physical and psychological assaults which mark them for life. These children are also often the victims of red tape and delays in the administration of juvenile justice, which result in protracted periods of remand in custody. There are few opportunities for custody of the young detainees outside prisons because of the lack of the child reintegration centres provided for by law. Women with young children also end up in prisons and detention centres, incarcerated for months or years without any place for recreation other than the prison courtyard.

Developments and trends

500. The history of children in conflict with the law traces the history of juvenile justice in Guinea. That history is divided into three periods, corresponding to successive reforms of the justice system.

501. However, while the legal framework has clearly improved, the same cannot be said of the detention and living conditions of the children concerned. The Guinean Committee on the Protection of Children's Rights, Terre des Hommes, SOS Mineurs en prison and UNICEF regularly monitor the conditions of detention of children in conflict with the law. Nevertheless, children are still detained in difficult conditions owing to the chronic lack of public services and funding from development agencies.

502. All prisons are overcrowded and lack water and latrines, thus exposing children to contagious diseases such as scabies and tuberculosis, diarrhoea, parasitic infection and respiratory illnesses.

503. Children rarely eat their fill unless they have parents who supplement their meals with food from outside. Some detention facilities (outside of Conakry and Nzérékoré) do not have separate quarters for minors, are understaffed and lack qualified personnel.

Causes

504. The main obstacle to upholding the rights of children in conflict with the law is the lack of harmonization of national laws with international legal standards such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

505. Guinea drafted a number of laws such as the Children's Code and amended its civil and criminal codes after ratifying these instruments. However, it has yet to enforce their provisions effectively.

506. This situation has been brought about by the lack of training and awareness among officials who deal with problems involving children in conflict with the law (judges, law enforcement officers, teachers and prison guards) and a weak mechanism for monitoring the implementation of instruments that have been ratified, as evidenced by the failure of the justice system to function properly and civil society to exert pressure on the authorities.

507. Gaps in the legislation have thus led to the violation of the rights of women and children. This situation has adversely affected the conditions of arrest and detention of women and children, including arbitrary and wrongful arrest or detention, prolonged remand in custody and failure to release minors in a timely manner in accordance with a court decision.

Constraints

508. The main constraints facing the sector are:

- Failure of the judiciary to function properly (gap between the existing laws and their enforcement)
- Poor dissemination of existing legislation and legal instruments
- Difficulties in carrying out court decisions (e.g. women's legally recognized inheritance rejected by the community)
- Poorly qualified judicial officers
- Abdication of parental responsibility
- Lack or shortage of financial and material resources for penal institutions
- Failure of civil registration service to function properly, making it impossible to determine the age of children in conflict with the law
- Shortage of rehabilitation or reintegration centres for children

Opportunities

509. Opportunities include:

- The expressed desire on the part of the authorities to collaborate with the relevant stakeholders
- The establishment of an ongoing dialogue with partners (the United Nations system, bilateral and multilateral partners and NGOs)
- The presence of decentralized monitoring facilities (social workers, judicial authorities, etc.)
- The marked increase in NGOs and religious associations working in places of detention or police and gendarmerie stations (ICRC, Médecins du Monde, SOS Mineurs en prison, Organisation Guinéenne des Droits de l'Homme, Terre des Hommes and the Association for West African Refugees (ASWAR))
- The involvement of local State services (social workers, regional inspectors for social affairs)

(i) **Article 40 of the Convention: Administration of juvenile justice**

510. Juvenile courts exist in some jurisdictions and there are also juvenile court judges. The Court of Appeal arranges for a juvenile assize court to be held each year to hear criminal cases.

511. Officers of the criminal investigation department notify NGOs involved in protecting minors in conflict with the law as soon as a child is taken in for questioning by the police or gendarmerie so that they can intervene immediately. Children are monitored by the social workers from this stage until police proceedings are completed. If they are remanded in custody, they are given assistance in order to speed up the process. During trials, children are assisted by lawyers recruited by NGOs. If they are convicted, children may serve non-custodial sentences or learn a trade in a place of detention.

(ii) **Article 35 (b), (c) and (d) of the Convention: Children deprived of their liberty, including any form of detention, imprisonment or placement in a custodial setting**

512. Children deprived of their liberty are subject to remand in custody by the police for a period of up to 48 hours, renewable once. It should be noted, however, that this period is often greatly exceeded in the case of some children.

513. Prisons remain the only form of detention in Guinea, with central prisons in the regions and civil prisons in the prefectures. Aside from the central prisons of Conakry, Kindia and Nzérékoré, most prisons lack separate quarters for minors. Children share the same courtyard as adults, which poses a risk to the children.

514. There are no secure centres for juvenile offenders in Guinea.

(iii) **Article 37 of the Convention: Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment**

515. The Criminal Code prescribes the penalties applicable to juvenile offenders in Guinea. The penalties imposed depend on the offence in question and the age of the child.

516. The age of criminal responsibility is 13 years. The penalty applicable to an offence committed by an adult is half the penalty incurred by a minor who has committed the same offence. There has been a single case in the past five years where a child was sentenced to death. No juvenile offender has been sentenced to life imprisonment.

517. The coordination unit for minors in conflict with the law is currently appealing to the Ministry of Justice for a ban on the use of the death penalty or life imprisonment against children.

518. Among the interventions made to improve the situation of children in conflict with the law are:

- Various legal and judicial reforms
- The involvement of associations and NGOs
- The rare but increasingly frequent campaigns to raise awareness among the general public and decision makers
- Training modules for social workers and staff of the judicial services (judges, prison personnel and criminal investigation officers)

519. The first ambitious judicial reform carried out in the country on gaining independence, Act No. 018/AN/73 of 6 June 1973, did not establish specialized courts for minors but broke new ground in that it provided for a set of rules that applied specifically to minors brought before the courts.

520. It was with Act No. 22/AL/77 of 20 October 1997 that Guinean legislators truly embarked on the protection of the rights of the child, first by establishing juvenile courts within each regional court and then by introducing juvenile court judges and special rules of procedure applicable to juvenile offenders.

521. While a law dated 16 June 1998 did not establish juvenile courts or specialized juvenile court judges as such, article 39 of that law does provide that the responsibilities of a juvenile court and juvenile court judge shall be assumed by the criminal section of courts of first instance or the section responsible for minors and by the criminal chamber of the court of first instance of Conakry.

522. An adequate legal framework for the protection of the rights of children in conflict with the law in Guinea actually dates from the adoption of Act No. L/95/021/CTRN of 6 June 1995 on the reorganization of the justice system in Guinea, as amended by Act No. L/98/014 AN of 16 June 1998, and Act No. 037 of 31 December 1998 on the Code of Criminal Procedure.

(iv) Physical and psychological recovery and social reintegration

523. Terre des Hommes, Sabou Guinée, SOS Mineurs en prison and ASWAR are taking action within and outside prisons on behalf of children. Their accomplishments include the following:

- Construction of a canteen in the central prison of Conakry.
- Renovation of a dormitory equipped with 50 beds with mattresses and blankets.
- Health care for children.
- Legal assistance for minors.
- Training of prison staff.
- Construction of a juvenile wing in the central prison of Conakry between 1997 and 2002, with a juvenile vocational training and education centre.
- The wing meets the standards of the Convention on the Rights of the Child relating to juvenile detention. One of the purposes of the centre is to prepare young persons to reintegrate into social and professional life after prison through training in workshops.

- Special education, including functional literacy, pupil and student follow-up, psychological support and organized recreational activities.
- Construction of the welcome/training/rehabilitation centre (*foyer de l'espérance*) at Sonfonia Station between 2000 and 2001.
- Construction of a juvenile wing at the central prison of Kindia in 2002–2003.
- Social and economic projects for individual rehabilitation in prisons and foster homes.
- Construction and outfitting of a building for girls within a counselling and accommodation centre.
- Establishment of income-generating activities.
- Development of alternatives to custodial measures.

524. In addition, the establishment of a unit to coordinate assistance to children in conflict with the law has made it possible to map out interventions so that the action taken by different stakeholders is not duplicated.

(c) Article 39 of the Convention: Children who are the victims of exploitation, and their physical and psychological recovery and social reintegration

525. The negative effects of structural adjustment programmes have left a large part of the population in a vulnerable situation. In fact, around half of all Guineans live below the poverty line (33 per cent in urban areas and 56 per cent in rural areas). That group includes 56,000 children under 15 years of age according to a study on poverty distribution carried out by the Ministry of Planning in 2004. Furthermore, cultural pressures stemming from social and religious traditions encourage families to justify even the most unacceptable forms of child labour.

526. The inadequacies of the education system in Guinea and the high illiteracy rate contribute to high repetition and dropout rates. The majority of children in this situation have no option but to take on work that is degrading and dangerous and affects their health and development. Although a decree on child labour has been adopted, the gap between the law and its application is evident, as the decree is rarely applied and does not provide all the necessary safeguards against child labour.

527. Insufficient information and lack of awareness about the issue of child labour among the authorities, local elected officials and leaders mean that child labour is not perceived to be a real problem, with the result that the phenomenon has grown worse.

(i) Article 32 of the Convention: Economic exploitation, including child labour

528. The results of the October 2006 baseline study on child labour in Guinea showed that 61.4 per cent of child workers are employed as domestic workers. The rest work in the agricultural sector (23.9 per cent), in trade (6 per cent) or in mines and quarries (4.7 per cent). Less than 5 per cent of child workers work in the livestock, transport or fishing sectors.

529. The proportion of children who work is higher in urban areas, except in the agricultural and fishing sectors.

530. To break down the figures by administrative region, the highest proportion of children employed as domestic workers is found in Labé (80.9 per cent). Half of the child workers in Nzérékoré are employed in agriculture. The highest proportion of children employed in mines and quarries is found in Conakry, Siguiiri and Kouroussa (15.1 per cent). In terms of gender, more boys than girls work, regardless of the sector in question.

531. The majority of children subjected to the worst forms of labour are employed in mines and quarries (59.9 per cent) or domestic work (25.2 per cent).

532. In fact, more than 8 out of 10 children (85.1 per cent) subjected to the worst forms of child labour work in those two sectors. Fewer children (less than 1 in 10, or 8.5 per cent) are subjected to the worst forms of child labour in the other sectors (transport, trade, livestock farming, agriculture and fishing).

Action taken

533. Since the ratification in 2001 of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), various projects and actions have been undertaken by the State and its partners, including:

- A study on children working in mines and quarries (UNICEF)
- A baseline study on child labour in Guinea (ILO)
- A project to combat child labour in commercial agriculture (coffee, cocoa) (International Programme on the Elimination of Child Labour (IPEC))
- A project to combat child labour through education (Save the Children)
- Support for income-generating activities for parents so that their children are free to attend school

Constraints

534. The constraints on the implementation of actions to help the child victims of harmful and incapacitating trafficking include:

- The discrepancy between international and national legal texts and their application (e.g. the decree on child labour, the Convention on the Rights of the Child, the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the ILO Worst Forms of Child Labour Recommendation, 1999 (No. 190))
- The failure of the authorities (i.e. the authorities responsible for child protection, territorial administration, security and justice) to monitor child mobility
- In the case of child trafficking, the failure to identify or register children on their arrival at reunification centres
- Inadequate technical expertise and logistics resources on the part of the parties involved, including the State, institutions and NGOs
- An ineffective mechanism for collecting statistical data on child trafficking and the worst forms of child labour

535. Action taken:

- Debates on the impact of violence and sexual exploitation on children, parents and communities have been held in youth centres and on Guinean radio and television (RTG).
- Temporary victim support centres and shelters have been opened in the prefectures of Forécariah and Kindia and the five districts of Conakry.
- A legal clinic, helpline and safe house where victims can seek protection have been established. The safe house is located in Conakry and provides urgent medical and psychosocial care to victims before their referral.

(d) Article 35 of the Convention: Sale, trafficking and abduction of children

536. The National Survey on Child Trafficking in Guinea (2003) was the first national survey to demonstrate that child trafficking was a real problem in Guinea. The purposes of child trafficking vary depending on the region; in the majority of cases, trafficking leads to the exploitation of child labour, prostitution or the recruitment of children for armed conflict. The survey did not find any cases of child trafficking for purposes of slavery, removal of organs or sale of children.

537. In Guinea, regardless of the form it takes, child trafficking is predominantly an internal issue. As in most countries in the subregion, child migration is increasing. Migratory movements are generally the result of adults searching for jobs and providing cheap labour. The survey shows that two forms of child trafficking take place in Guinea: trafficking in the strict sense of the term and “placement by intermediary” (*placement médiatisé* – a job arranged by an intermediary for a share of the child’s wages).

538. The migratory flow also reveals that there are organized international networks trafficking children from Nigeria, Mali, Burkina Faso, Ghana, Sierra Leone and Liberia through Guinea on their way to the Maghreb and Europe (Italy, Ukraine, Switzerland and France). There is also a network trafficking Guinean children to Côte d’Ivoire.

539. The survey considered the cases of 2,000 child workers, 500 of whom were in a situation of hardship, in 24 of the 33 prefectures and in 25 sub-prefectures. The survey consisted of a case-by-case review of their situations, using as a point of reference the characteristics of trafficking in the strict sense of the term (1.5 per cent). The workers concerned were mainly boys between 15 and 22 years of age who had never been to school. The survey found that 0.7 per cent were victims of placement by intermediary. Some child victims of this practice worked in catering. Domestic work comprised the second-largest area of child labour.

540. The mining sector is the third-largest area using child labour, while the remaining child workers are employed in the other sectors, for example by small and medium-sized enterprises that deal with refuse collection. The child victims included Malian children from the regions of Sikasso, Mopti, Koulikoro and Siragourou. These children pass through Siguiiri in Guinea before reaching their final destination.

541. Child victims from Liberia and Sierra Leone can be found in almost all major towns in Guinea, while children from Nigeria and Ghana simply pass through Conakry to obtain travel documents in order to travel to Europe via the Maghreb.

542. Child victims in Guinea are recruited from pockets of poverty in the regions of Haute-Guinée and Moyenne-Guinée (Siguiiri, Mandiana, Dinguiraye, Kérouané, Lélouma, Koubia, Mali and Koundara). However, they are also recruited from other prefectures, such as Télémélé, Macenta, Beyla, Lola and Yomou. The children’s destinations are Conakry and industrial towns such as Kamsar, Fria and Sangarédi. Children are also found in areas of artisanal gold and diamond mining. The intermediaries follow the routes usually used by trucking companies.

Causes

543. Trafficking of children by their parents through intermediaries is driven by financial concerns: parents from low-income households hand over their children for work in agriculture, mines and quarries in the hope that they will receive some income from the transaction.

544. The education system has not been able to provide children with the necessary support. Those who are not in school or who have dropped out have little access to training centres.

545. Many children therefore work as shoeshiners, street sellers or miners.

546. Child trafficking is the result of inadequate mechanisms for controlling and monitoring the movement of children, parents' lack of knowledge, the low incomes of households in rural areas and the large size of households with high unemployment rates in rural areas.

Action taken

547. Despite the lack of resources, many initiatives have been introduced to protect children between the ages of 7 and 18 from trafficking. On an institutional level, the political will of the country's authorities has enabled the creation of the following coordination, management and monitoring institutions:

- National Directorate of Preschool Education and Child Protection
- Guinean Committee on the Protection of Children's Rights
- Steering Committee on Child Labour
- NGO coalition against child trafficking (COLTE)
- NGO coordination unit for children in situations of hardship (COTESD)
- National committee on the coordination of assistance to children requiring special protection measures
- Establishment in 2005 of a national committee to combat human trafficking, in particular of women and children
- Evaluation of a national action plan to combat child trafficking
- Launch of a national media campaign on child trafficking
- Training for all parties involved in combating trafficking
- The signing in June 2005 of a bilateral cooperation agreement between Guinea and Mali within the framework of the fight against child trafficking
- The signing in July 2005 of a multilateral cooperation agreement with 10 countries from the subregion within the framework of the fight against child trafficking

548. At the community level, the local protection committees located in all prefectures and urban districts contribute to the decentralization of activities that promote the rights of the child, and encourage those in the field to continue to take into account key child welfare issues.

549. As far as civil society is concerned, two human rights organizations are active in this area. One is the Guinean human rights organization CGDH, which has organized numerous meetings to raise awareness among decision makers and communities about the fight against child exploitation and child labour in Guinea.

550. In terms of legislation, the Children's Code has just been adopted and a national committee set up to combat human trafficking, in particular of women and children. The committee developed a short-term action plan for 2006–2007 which was based on five strategic principles: prevention, repatriation, protection, reintegration and cooperation.

551. With regard to cooperation, in 2005 Guinea signed two cooperation agreements to combat child trafficking. The first was a bilateral agreement with Mali and the second was a multilateral agreement with 10 countries of the subregion (Niger, Mali, Côte d'Ivoire, Nigeria, Ghana, Guinea, Senegal, Benin, Togo and Mauritania). A review of the multilateral agreement was conducted in Conakry in 2006.

552. In addition, an extensive countrywide media campaign was mounted to raise awareness of child trafficking among the population. The campaign was supported by UNICEF and the United States Embassy in Conakry.

553. National NGOs have also formed a coalition to combat child trafficking.

(e) Article 30 of the Convention: Children belonging to a minority or an indigenous group

554. No distinction is made in Guinea between people belonging to ethnic minorities, indigenous people and others. All have the same rights and duties.

(f) Children living or working on the street

555. A large number of children live or work on the street in Guinea. The profile of these children is varied.

556. Street children are the result of a rejection of the African tradition that children live in a family environment. However, the breakdown of the family unit through divorce, the loss of one or both parents, or the temporary or permanent separation of children from their parents due to conflict result in even more children living on the street. This group of children can be characterized by their resourcefulness. For the most part, they live in groups of friends, often sharing their meals. They are often young first offenders who have been exposed to drugs and have no proof of identity, and therefore easily come into conflict with the law.

557. NGOs such as Sabou Guinée and many others have been joined by social workers who regularly scan train stations, markets and fishing jetties to find street children and build a relationship of trust with them. When they are found, the children are told about the programme for street children. Social workers from NGOs give them advice and offer them support in the form of accommodation, food, medical treatment, psychosocial care, etc.

558. Children working on the street are a relatively new phenomenon in Guinea. The liberalization of private initiatives and sociocultural pressures are the major causes that drive children onto the streets. The presence of huge numbers of children on the streets of the major towns, especially Conakry, is most evident during the school holidays. Many of the children sell goods illegally for traders paying piece rates, so that they can buy their school kits for the new school year. The other category consists of children used by their parents, who often have disabilities, to beg on the street. There are also Talibe children who are entrusted to marabouts to learn the Koran.

559. Children in the last two categories are increasingly exploited. They are not in school and do not receive proper treatment if they fall sick. No specific study has yet measured the extent of this phenomenon. There are, however, some NGOs that provide support to child beggars whose parents have disabilities.

XI. Conclusion

560. All the above information points to the fact that the fulfilment of all the rights of the child is an absolute imperative for Guinea.

561. However, the poverty in the country, coupled with its debt burden, does not make it easy to meet this commitment to children. Following the major social crisis in the country at the start of 2007, a new dynamic (defined by better governance and a patriotic drive by young people to better themselves) has nevertheless taken hold and will undoubtedly benefit the most vulnerable, particularly children.

562. International cooperation, in the form of more official development assistance, therefore needs to be mobilized to provide more substantial support to Guinea.