



# General Assembly

Distr.: General  
3 March 2010  
English  
Original: French

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighth session**  
Geneva, 3–14 May 2010

## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Guinea**

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\* The present document was not formally edited before being sent to the United Nations translation services.

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## **Introduction**

1. In accordance with General Assembly resolution 60/251, the Republic of Guinea hereby submits its first report under the universal periodic review mechanism.
2. Guinea takes this opportunity to reiterate its pledges to recognize, protect and promote human rights in order to better safeguard them within the country, and undertakes to continue to build on its frank and constructive dialogue at the international level, *inter alia* with the United Nations human rights bodies.
3. Guinea is a party to the majority of international human rights treaties, including the seven core instruments. It therefore endeavours to ensure that its national periodic reports on the implementation of its obligations are submitted on time wherever possible. However, due to internal constraints associated with human resources and capacity, it has not always been possible to produce the periodic reports for submission to certain treaty bodies on a regular basis. Nonetheless, close attention has always been paid to the conclusions and recommendations of the treaty monitoring bodies in order to ensure highly effective follow-up.
4. At the same time, the development of a systematic policy facilitating the creation and expansion of dynamic and active networks of voluntary associations — which enjoy a considerable measure of autonomy, are committed to the consolidation of human rights and show great maturity — has helped to invigorate the process of protecting and promoting human rights.

## **I. Methodology and process followed for preparation of the report**

5. In preparing this report, Guinea has adopted a consistent methodology based on a consultative and participatory approach, in accordance with the guidelines of the Human Rights Council. The point of departure was the establishment of an inter-ministerial committee by Prime Ministerial Decree No. 2528, dated 11 September 2009.
6. The process of consultation was set in motion at a briefing for the members of the inter-ministerial committee responsible for the universal periodic review. Since then, eight meetings have been held with ministerial departments and a two-day workshop has been organized with human rights NGOs, with a view to gathering, discussing and rounding out the information needed to draw up the report.
7. In the course of the meetings, all stakeholders helped improve the content of the report through criticism, comments and recommendations. At the end of the process, the content of the report was adopted by the different participants before being finalized by the drafting committee.

## **II. Background and normative and institutional framework**

### **A. Background**

8. Guinea is situated in West Africa and has a land area of 245,857 km<sup>2</sup>. It shares its northern border with Mali and Senegal, its southern border with Sierra Leone and Liberia, its eastern border with Mali and Côte d'Ivoire, and its western border with Guinea-Bissau and the Atlantic Ocean. The country is divided into seven administrative regions, 33

prefectures, 38 urban municipalities, 304 rural development communities, and the city of Conakry (the capital), which has a special status.

9. According to the 2007 general census, the population of Guinea was 9,136,176, with women accounting for 51 per cent of total inhabitants. The average population density across the country is 31 inhabitants per km<sup>2</sup> and annual population growth is 3.1 per cent. Guinea comprises around 30 ethnic groups, each with its own practices and customs.

10. Islam, Christianity and Animism are the three main religions and coexist harmoniously. French is the official language. The economy of Guinea is based essentially on agriculture, stockbreeding and mining. Gross domestic product (GDP) per capita was estimated at US\$ 321.70 in 2006. The average annual GDP growth rate rose from 1.1 per cent in 2006 to 1.4 per cent in 2007. In 2007, 53.6 per cent of the population were living below the poverty line, compared with 49.2 per cent in 2002 (estimates drawn up by the World Bank and the National Statistics Office).

## **B. Normative human rights framework**

### **1. National level**

11. Guinea has had three constitutional regimes since gaining independence on 2 October 1958. The Constitution of 10 November 1958 set out, in its preamble, Guinea's commitment to the Charter of the United Nations and the 1948 Universal Declaration of Human Rights. It provided for a full multiparty system, was favourable to the creation of a United States of Africa, and proclaimed the fundamental rights of citizens. A Criminal Code, a Code of Criminal Procedure, and a Code on Persons and Liberalities were adopted to define and sanction the exercise of the fundamental rights recognized to citizens.

12. Subsequent institutional and political changes resulted in the collectivization of the economy. Since the new situation was no longer compatible with the multiparty, liberal constitutional framework established in 1958, a new socialist constitution was adopted that enshrined the Marxist-Leninist character of the Government in power, which thus became the only legal party.

13. This constitutional regime was brought to an end by the death of President Ahmed Sékou Touré and the subsequent military coup of 3 April 1984, led by Colonel Lansana Conté, who had a new constitution adopted by referendum on 23 December 1990. Like the previous constitutions, this one proclaimed, in its section II, the fundamental rights of the human person. The Civil Code, Criminal Code and Code of Criminal Procedure were amended to bring them into line with the international conventions to which Guinea was a party. Other codes were drawn up to flesh out the legal framework for the promotion of human rights.

14. The first mechanisms established to promote and protect human rights were the National Observatory for Democracy and Human Rights and the National Directorate for Human Rights and Fundamental Freedoms.

15. In the first presidential election in 1993, General Lansana Conté, the coup leader, was elected President of the Republic. His election generated great hope. In 2001, during his second term in office, he amended the Constitution to remove all limits on the number of times he was permitted to stand for office and to extend the presidential term from five to seven years.

16. The second Republic ended with the death of President Lansana Conté and a further military coup, on 23 December 2008, led by Captain Moussa Dadis Camara on behalf of the National Council for Democracy and Development (CNDD). After suspending the Constitution and dissolving the National Assembly, Captain Camara resolved to restore the

authority of the State, fight corruption and drug trafficking, build a State governed by the rule of law and hold free and transparent elections in 2009. Unfortunately, he was unable to fulfil this undertaking. Social and political unrest ensued, culminating in the bloody events of 28 September 2009. The Ouagadougou Agreement of 15 January 2010 establishes the basis for a transition to national elections that should pave the way for a return to democracy and the rule of law.

## **2. International level**

17. As a State Member of the United Nations and in accordance with its international obligations, Guinea has ratified almost all the instruments that make up the International Bill of Human Rights.

## **3. Regional and subregional level**

18. Guinea is a party to the main regional and subregional instruments for the promotion and protection of human rights, including the Charter of the Organization of African Unity, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Convention on Mutual Assistance in Criminal Matters of the Economic Community of West African States (ECOWAS), and the ECOWAS Convention on Extradition.

# **C. Institutional human rights framework**

## **1. Judicial institutions**

19. The justice system of Guinea is underpinned by the principles of oneness, the right to a second hearing, the independence and impartiality of the judiciary, equality before the law and before the courts, the presumption of innocence, the right to a defence, the requirement that offences and punishments be defined by law, and the right to legal aid and legal assistance. Judicial power is vested in and exercised by the courts and tribunals, with the Supreme Court constituting the highest authority. In addition to adjudicating on disputes and issuing judgements, the courts' duties include monitoring and verifying the compliance of laws with the Constitution and conventions and the legality of administrative acts.

## **2. Other constitutional institutions**

20. Guinea also has the following institutions: the Presidency, the National Assembly, the Supreme Court, the High Court of Justice, and the Economic and Social Council.

## **3. Other institutions and mechanisms**

21. The National Council for Communication was established by organizational act to assume responsibility for regulating and supervising media activities.

22. In addition to the National Observatory for Democracy and Human Rights created by Prime Ministerial Decree No. 02405/PM/SG/2008 of 12 June 2008, a national office or unit responsible for promoting and protecting human rights has been established in the majority of ministerial departments.

23. Non-judicial institutions include the Children's Parliament.

#### **4. Organization of civil society**

24. Guinea has licensed almost 1,300 NGOs and other civil society organizations, many of which work in the promotion and protection of human rights. Although Act No. L/013/AN of 4 July 2005 stipulates that such organizations may be created without charge, the approval procedure that the authorities require applicants to follow entails the payment of a stamp duty. The amount of this duty is a cause of concern for NGOs.

#### **D. National jurisprudence**

25. The courts and tribunals in Guinea have issued various decisions concerning the protection of human rights. The Indictments Chamber annulled the proceedings instituted against the political leaders charged with attempted offences against State security.

26. The Constitutional Chamber of the Supreme Court has investigated and adjudicated on various disputes linked to the presidential and legislative elections.

27. The courts of first instance and magistrates' courts have heard numerous cases of electoral disputes relating to municipal and local elections.

28. Similarly, the labour tribunal has issued a considerable number of decisions relating to trade union elections, labour law, social security protection and freedom of association.

29. The juvenile justice system is responsible for protecting the rights of the child in accordance with the Convention on the Rights of the Child.

30. Since the adoption of the Press Freedom Act in December 1991, national courts have adjudicated in various disputes involving the press.

### **III. Promotion and protection of human rights on the ground**

#### **A. Civil and political rights**

31. The civil and political rights of citizens are guaranteed in various legal and regulatory texts. The justice system of Guinea respects the principle of monism, giving precedence to international law. Accordingly, international covenants and conventions prevail over national legislation. The Constitution of Guinea has always stipulated that "lawfully ratified treaties or agreements shall, upon their publication, have an authority superior to that of domestic laws, subject, for each agreement or treaty, to its application by the other party".

##### **1. Right of citizens to choose their leaders**

32. The right of citizens to freely choose their leaders in regular elections has been enshrined in all constitutional texts of Guinea. An electoral act establishes the conditions under which citizens elect their Government. However, citizens have not exercised their right to elect their leaders since 2005.

##### **2. Freedom of opinion, freedom of expression and press freedom**

33. The principles of freedom of opinion, freedom of expression and press freedom have constitutional rank in the legal order of Guinea. The National Council for Communication and the Supreme Court perform ex-post monitoring of the exercise of these freedoms by citizens. Several private press agencies are operational on the ground.

34. Citizens and the media openly criticize the Government and the authorities. However, the State-controlled media, including the newspaper *Horoya* and the radio and television networks, generally cover the activities of the public authorities only and rarely include information challenging this coverage. In addition, the aforementioned rights have been repeatedly violated, and the arrest of journalists, seizure of equipment, and suspension of distribution or publication are routine practices.

35. The press and print media are free. There are many independent newspapers and radio stations currently contributing to freedom of expression. The press is regulated by Act No. L/91/005/CTRN of 23 December 1993 and the terms and conditions governing the creation of private radio stations and television channels are set out in related regulations.

### **3. Freedom of assembly and association**

36. The country has witnessed the emergence of various associations and trade unions since 1986. There are now a number of trade union confederations active in the country, the principal ones being the National Confederation of Workers of Guinea (CNTG), the Trade Union of Workers of Guinea (USTG), the Democratic Union of Workers of Guinea (UDTG), and the National Organization of Free Trade Unions of Guinea (ONSLG).

37. Freedom of association and assembly is a constitutional principle recognized and proclaimed in the successive constitutions of Guinea. However, for reasons of security and public order, advance notification is required for the exercise of these freedoms.

38. The freedom to form associations and societies to exercise political, economic, social and cultural rights and activities collectively, also enshrined in the Constitution, is reiterated in Acts Nos. L/2005/013/AN and L/2005/014/AN of 4 July 2005. At present, there are 101 political parties and 1,300 NGOs and associations freely carrying on their activities throughout the country. However, certain obstacles persist or arise intermittently that impede the exercise of the right to hold political and social meetings and demonstrations.

39. With regard to political parties and organizations, the Constitution recognizes that “political parties and groupings contribute to the exercise of the right to vote. They shall be permitted to form freely and shall carry on their activities in accordance with the conditions established by law, respecting the principles of national sovereignty, territorial integrity, national unity and pluralist democracy” (art. 3). Organization Act No. L/91/002/CTRN of 23 December 1991 established the Political Parties Charter, and the law regulating opposition parties provides a framework for fair competition and the handover of political power.

### **4. Right to effective judicial remedy and right to a fair and prompt hearing**

40. The right to a fair and prompt hearing, the right to judicial recourse, the right to present a defence, and the right to appeal against judicial and administrative decisions are enshrined in the Constitution and guaranteed by law. It was in this context that, following the legislative elections of 30 June 2002, the Supreme Court ruled on four appeals challenging the result of the ballot on the grounds of electoral irregularities. On 8 January 2004, a further appeal was lodged with the Supreme Court challenging the provisional results announced by the ministry overseeing the presidential elections. Although prohibited and punished by law, interference and intrusion in judicial affairs by the civil and military authorities are an obstacle to a fair trial.

41. Persons arrested for offences of varying degrees of seriousness are detained beyond the legally-permitted period. Women and children are detained for lengthy periods in the civil prison. The principle of segregation by prisoner category is not respected, even in the case of women and children. The juvenile court is not operational, owing to a lack of

judges. The legal assistance provided for in the law of May 2004 is not available for various reasons. Legal aid is ineffectual. Court and prison infrastructures are obsolete or dilapidated, causing overcrowding in detention facilities. Prison guards have not received professional training and there are too few of them.

**5. Right to life and protection of the human person**

42. The life and person of the individual are sacred; consequently, no person may be subjected to torture or cruel, inhuman or degrading treatment. Domestic legislation, in accordance with international legal instruments, regulates and penalizes attacks on life and the person, in addition to prohibiting cruel, inhuman and degrading treatment. However, killings, assaults and other forms of violence ensuing from the political and social crises that have shaken the country over the past four years have been sources of acute concern for the country's population. Human rights defenders have suffered abuse or have been deprived of their liberty during these crises. The violations culminated in the events of 28 September 2009. There is a problem with the presumption of innocence during police enquiries, as arrest precedes investigation.

**6. Right to non-discrimination**

43. The equality of all persons before the law is a general legal principle that has been affirmed in Guinea's successive constitutions, as well as in national laws. Guinean men and women have the same rights and duties. Privileges and disadvantages conferred on the basis of origin, race, religion, political opinion or social status are prohibited. However, from the point of view of female participation in decision-making bodies, gender equality is very limited. The State regulates and penalizes acts of discrimination through the provisions of criminal law while seeking to ensure the elimination of all forms of discrimination, particularly discrimination against women, and guarantee the protection of these rights in all areas of public and private life through the provisions of civil and employment law.

**7. Right to vote**

44. Besides recognizing the right to vote and run for election, article 20, paragraph 2, of the Constitution states that every citizen has a duty to take part in elections, to promote tolerance and democratic values, and to demonstrate loyalty towards the State. An independent national electoral commission was established in 2007 to ensure transparency and prevent irregularities in the electoral process.

**8. Equality between men and women**

45. In accordance with article 8 of the Constitution, no legal provisions make a distinction between the rights of men and the rights of women. Gender issues are taken into account in national laws and policies. However, women are calling for greater female representation in positions of responsibility in the political and administrative spheres.

46. In education, equal access for girls and boys is the guiding principle for school enrolment. However, positive discrimination in favour of girls is permitted, and a number of incentives and support measures have been adopted to this end. The tiny number of girls in school relative to the number of boys is essentially attributable to sociocultural obstacles.

47. The right to work and access to public service is guaranteed to all Guineans without discrimination, subject to the inherent requirements of each position. These rights are enshrined in the general and specific regulations governing public officials and in the Labour Code. However, the policy on job creation is failing to produce the desired effect.

## **9. Respect for the human person**

48. The constitutional tradition of Guinea, as established in successive constitutions, places the freedoms and fundamental rights and duties of the human person at the apex of the legal pyramid, stipulating that “life and the human person are sacred and inviolable” (Constitution, art. 5). Safeguarding the physical and psychological integrity of the human person and protecting fundamental human rights, as defined in the relevant international instruments, are considered duties of the State towards its people.

49. The Constitution recognizes and affirms that “every individual has the right to life, integrity of the person, security, freedom, protection of their privacy and their property” (art. 6).

50. The Criminal Code makes provision for offences against human life and the person and establishes criminal penalties for these offences in accordance with the principle that “no-one shall be subjected to torture or cruel, inhuman or degrading treatment of either their body in general or the reproductive organs in particular”. In addition to the legal prohibition, steps are being taken to effectively combat all forms of violence, including female genital mutilation, early marriage, domestic violence and sexual abuse. However, abuses by law enforcement officers are rarely punished.

## **10. Freedom of conscience and freedom of religion**

51. The freedoms of speech, expression of opinion, communication, conscience, religion, the press, movement, demonstration and procession are guaranteed by the Constitution and various other legal texts.

52. The above freedoms may be restricted only under the conditions established by law and where necessary for the sake of “respect for the life, freedoms and rights of others and the imperative to safeguard public order and morality”. Their violation incurs the penalties established in the Criminal Code.

53. In Guinea, the principle of State secularism ensures effective separation between religion and the State. The Guinean Criminal Code establishes penalties for disruptions of public order attributable to ministers of faith.

## **11. Prohibition of slavery and forced labour**

54. Both the Constitution and labour laws reflect the provisions of the International Labour Organization conventions concerning the prohibition of forced labour, the employment of women during the night, and the abolition of child labour.

## **12. Right to recognition as a person before the law and special protection of children**

55. The right to life is a principle that is applied to all Guinean children. Children aged between 13 and 18 who come into conflict with the law enjoy protection of their dignity and their person. The law stipulates that the death penalty may not be imposed on minors and that custodial sentences should be handed down as a last resort. The law also establishes alternative punitive measures.

56. With the aim of protecting women and child victims of human trafficking, Guinea has signed a regional cooperation agreement and adopted the regional Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, signed in Abuja, Nigeria, on 7 July 2006. The agreement deals with the prevention of trafficking, the prosecution of perpetrators, assistance and protection for victims, as well as their rehabilitation and social reintegration, and coordination of the investigation, arrest and sentencing of traffickers and their accomplices. A number of cases of trafficking in women

and children have been brought before the courts and severe deterrent penalties have been imposed on the perpetrators and their accomplices.

57. Children are exposed to trafficking and labour or come into conflict with the law as a result of extreme poverty, often on the orders of individuals who manage to evade prosecution.

58. The recruitment by the military of children aged under 18 is prohibited by law.

59. A children's parliament has been established to give children a voice, as recommended by the United Nations. Guinea has also undertaken to implement the Paris Principles prohibiting the recruitment of children in armed conflict.

60. In addition, courses on international humanitarian law have been introduced in gendarmerie, police, civil protection and military training schools, with the aim of increasing protection for vulnerable persons in times of conflict.

61. In 2005 the Government of Guinea drafted and approved a policy on the comprehensive development of young children which aims to ensure that, by 2015, all children up to the age of 8 are registered at birth, are protected from violence, exploitation and discrimination, are in good health, and develop in a well-balanced manner in physical, cognitive, socio-affective and psychological terms.

62. To help improve the civil registration system, projects to modernize and improve Guinea's civil registry have been implemented with the support of the United Nations Development Programme (UNDP), the European Union and the United Nations Children's Fund (UNICEF). These projects are in addition to the establishment and operation of a national criminal records office.

### **13. Security of the person**

63. Article 5 of the Guinean Constitution guarantees the protection, freedom and security of persons. Fundamental freedoms and rights are recognized and their exercise by citizens is guaranteed subject to the conditions and according to the procedures established in the Constitution and by law.

64. Police custody is regulated by the Code of Criminal Procedure. Pursuant to article 77 of the Code: "Police officers may hold a person in custody for the purposes of questioning in an investigation for no more than 48 hours. Once this time limit has expired, the person must either be released or brought before the prosecutor's office." Any violations of this provision are reported, although perpetrators are not prosecuted or punished. The Inspectorate-General of Judicial Services and the prosecutors' offices attached to the courts and tribunals carry out regular, unannounced inspections of police stations in order to combat such violations. However, the limited resources of the inspectorate and the prosecutors' offices limit the efficacy of their actions.

65. Numerous checkpoints have been erected between towns and villages in a bid to step up the fight against drug trafficking, human trafficking and other criminal activities. However, these checkpoints present a serious obstacle to the free movement of people because there are so many of them and because of harassment by the officers manning them.

### **14. Right to a fair trial**

66. The right to a fair trial is enshrined in article 9 of the Constitution. Act No. 014/AN/2004 of 26 May 2004 on the organization of the legal profession reinforces this principle by providing that lawyers must provide assistance to their clients from the moment the latter are apprehended by the police.

67. The dysfunctional nature of the judicial system gave rise to the idea of organizing national consultations on justice in the very near future. A draft programme of judicial reforms has been drawn up on the basis of a study financed by the European Union. Eight core areas of action have been identified:

- (a) Redrawing the boundaries of judicial districts;
- (b) Review of legislative texts;
- (c) Building up the courts' human resources;
- (d) Promotion and protection of human rights;
- (e) Training and communication;
- (f) Infrastructure and equipment;
- (g) Improved salaries and living and working conditions for judges;
- (h) Combating corruption and impunity.

68. At present the European Union is the only donor to have indicated a readiness to support the reform process, the cost of which has not yet been determined.

69. Upon conclusion of the national consultations, with financial support from the European Union, the Government should be able to implement measures that will improve public access to justice and increase the availability of legal aid for the most disadvantaged.

70. The sanctions that the international community imposed on Guinea after the CNDD seized power have stalled the implementation of these projects.

## **15. Right to take part in the conduct of public affairs**

71. Since the advent of democracy and freedom in December 1985, Guinea has shown, through its policy agenda, a political will to transform itself into a State governed by the rule of law where human rights are respected, guaranteed and protected. This political will was demonstrated by the adoption of a new constitution by referendum in 1990. The subsequent liberalization of politics has allowed for the establishment of political parties whose leaders freely carry on their political activities. However, the crisis reigning since December 2008 has paralysed the democratic process.

## **B. Economic, social and cultural rights**

### **1. Right to health, social security and social services**

72. Responding to the need for appropriate protection in certain fields or for certain vulnerable groups, the Government has drawn up special protection measures.

73. To provide the population with better access to quality basic health care, the Ministry of Public Health has set up the health system on three levels: central, intermediary and peripheral.

74. In order to ensure special protection in the field of reproductive health, and specifically to end harmful traditional practices, the Government promulgated Act No. 010/AN/2000 of 10 July 2000 on the promotion of reproductive health. This law recognizes that all are equal in law and in dignity in respect of reproductive health, without discrimination based on age, sex, religion, ethnicity, marital status or any other circumstances (art. 3). The same law provides that: "Every individual or couple has the right to benefit from the best possible quality health care and to be protected against

practices that are harmful to reproductive health. Every individual or couple has the right to have access to nearby health services that are safe, effective, affordable and acceptable.”

75. In order to protect persons with disabilities, the Government adopted the Act of 23 April 2008 on the protection of persons with disabilities. This Act states that persons with disabilities have the same rights as those recognized for any Guinean citizens under the Constitution. The protection of persons with disabilities is one of the main subjects of concern of the Ministry of Social Action, Solidarity and Family Affairs. This Ministry, through its Directorate for Persons with Disabilities, attempts to ensure at the legal level that such persons are able to exercise all of their rights. The situation of persons with disabilities is a real cause for concern, and the absence of a project for those persons is to be regretted.

76. To protect persons living with HIV/AIDS and members of their families, Act No. L/2005/025/AN of 22 November 2005 on combating HIV/AIDS and sexually transmitted infections (STI) and the protection of the rights of persons living with HIV/AIDS/STI was adopted. Certain measures have been taken in particular to provide antiretroviral drugs and emergency and prenatal consultations at no cost. However, the screening and support campaign suffers from a shortage of funds.

77. Similarly, several programmes have been set up to ensure women’s and children’s health; among these are the expanded programme on immunization, a health and nutrition programme, a population activities support fund and a national programme for malaria control.

## **2. Right to education**

78. Education is a priority in Guinea. Article 7 of the Constitution stipulates that “every citizen has the right to education”. The State does its best, given its resources, to cover teachers’ salaries, school construction, continuous training of teachers at the various levels, educational material, equipment and consumables. Under the Constitution, schooling is free and compulsory.

79. Secondary education is available and accessible to all throughout the country. It is provided free of charge, like primary schooling. Efforts are now under way to make higher education available to all those who hold secondary diplomas. Several State and private universities operate in Guinea.

80. An education policy geared to achieving the Millennium Development Goals was drawn up in 2002. A project supporting the reform of the Guinean education system has been initiated. Since 2007, a breakdown in the principle of equality between students at private universities and State universities, in terms of length of courses, has been observed. Students at private universities are entitled to a grant for three years and are obliged to pay for masters courses, which are free for students at State universities.

81. Analysis of the education sector shows that, despite the appreciable progress made, the system must still improve its performance considerably in order to achieve the objective of a quality education for all. However, the following successes should be noted: the gross primary school enrolment rate leapt from 62 per cent in 2001 to 78 per cent in 2006. The net school enrolment rate increased from 57 per cent in 2001/02 to 63 per cent in 2005/06. The completion rate for primary education, which was 27 per cent in 2000/01, reached 60 per cent in 2005/06. At the secondary level, the gross enrolment rate for lower secondary education, which was only 12 per cent in 1989/90, reached 43 per cent in 2005/06. The gross enrolment rate for upper secondary education over the same period increased from 5 per cent to 23 per cent. The student-teacher ratio at primary level is 44:1 and at secondary level 35:1, with a large discrepancy between schools in urban and rural areas. The literacy rate is 40 per cent.

82. The Government joined the Education for All project when it signed development credit agreement No. 3552 GUI on 8 August 2001 with the International Development Association, with a view to attaining the Millennium Development Goals in that area.

83. The non-formal education sector now offers 3,700 literacy centres, where 457,624 adults have learned to read and write. Despite this progress, more needs to be done in this field. In particular, there is a need to improve the quality of services and the level of public financing for education, which, at only 1.4 per cent of GDP, is below the average for sub-Saharan African countries (4 per cent).

### **3. Right to adequate food and to health**

84. The Government remains concerned about and very mindful of the development of new strategies to enable citizens to fully enjoy their right to adequate food, taking into account the current high cost of living. Agricultural activities are encouraged by importing equipment, machines and inputs, and by offering other incentives, via the National Chamber of Agriculture and village associations and cooperatives. The policy is weakened by the lack of credit available for agriculture.

85. With regard to health, the Government has increased the number of health centres in towns and rural areas and has taken measures to improve access to basic foodstuffs in urban areas. However, serious problems persist in this area, including the negative impact of mining on arable land, which is becoming more and more scarce. Bushfires, deforestation for industrial and domestic purposes, the destruction of fauna and the drying up and pollution of watercourses are all leading to desertification in Guinea.

86. It is worthy of note that the infant mortality rate fell from 98 per 1,000 live births in 1999 to 91 per 1,000 in 2005. However, the maternal mortality rate was still very high in 2005, at 980 per 100,000 live births.

87. The main communicable and non-communicable diseases are malaria, respiratory infections, helminth infections, diarrhoeal diseases, skin diseases, genito-urinary diseases, sexually transmitted infections, injuries, anaemia, eye infections and malnutrition.

88. The main causes of death are: malaria, anaemia (not including sickle-cell anaemia), cardiovascular diseases, hypertension-related diseases, meningitis, digestive diseases, acute respiratory infections, non-bloody diarrhoea, injuries and malnutrition.

89. With regard to the AIDS pandemic, the prevalence rate is 1.5 per cent. The fight against the spread of HIV has led to the creation of 18 "sentinel sites" for epidemiological monitoring, 17 advice and voluntary screening centres, and 7 outpatient centres. The cut in the cost of treatment, from 720,000 Guinean francs (GF) in 2002 to GF 35,000 since 2005, illustrates the effectiveness of government efforts in this area. Also worthy of note is the addition of yellow fever and hepatitis vaccines to the expanded immunization programme.

90. In order to treat respiratory infections, pharmaceutical products will need to be readily available from basic health services at an affordable price.

91. To reduce deaths from malaria, a national anti-malaria programme has been set up. The programme includes the national strategies on the treatment of malaria, the prevention of malaria during pregnancy, and the use of impregnated mosquito nets.

92. The fight against tuberculosis is based on screening and on treating contagious patients. To reduce maternal mortality, health policy will focus on caring for pregnant women at risk and dealing with obstetric emergencies, supervising deliveries, combating female genital mutilation, promoting family planning, extending immunization coverage and treating sexually transmitted infections.

93. With regard to food, the proportion of the population suffering from hunger and malnutrition increased from 25 per cent in 1992 to 85 per cent in 2003. In 2008, acute malnutrition affected 8.8 per cent of the population and 26 per cent were underweight. The figure for women was 18 per cent. Retarded growth affects 36 per cent of the population. (Figures provided by the Food and Nutrition Section of the Ministry of Health.) Seven per cent of the population of Guinea does not have sufficient food. The rate of chronic malnutrition among children under the age of 5 increased from 26 per cent in 1999 to 35 per cent in 2005.

94. To ensure that people are healthy and have a balanced diet, government policy focuses on achieving food security, providing iron supplements to pregnant women, providing iron and vitamin A supplements to children, and making iodized salt widely available.

#### **4. Right to decent housing**

95. The supply of social housing remains a problem, in the absence of a coherent policy on the issue. Around 80 per cent of the population of Guinea live in areas without infrastructure and therefore do not have access to the urban services necessary for a decent standard of living. People living in extreme poverty are particularly affected by the lack of housing security. To deal with this situation, the Government has taken steps to improve the living conditions of 75 per cent of slum dwellers and to develop the outskirts of cities so as to prevent the creation of new slums.

96. The right to housing guarantees all Guineans the right to establish freely their domicile or residence anywhere in the national territory.

97. Ordinance No. 92/019/PRG/SGG of 31 March 1992, establishing the Code on Private and State-owned Land, guarantees landownership and provides for compensation to the value of the property in the event of expropriation (art. 39). Any expropriation must be preceded by an inquiry and followed by fair compensation.

#### **5. Right to culture**

98. In the field of culture, after flourishing under the first Republic, Guinea's cultural values were neglected for a long time. The remarkable efforts now being made by the Government mark a return to those values and a desire for a new beginning in Guinean culture.

99. The right to culture has constitutional status. It is the duty of the State to safeguard and promote the national values of civilization. Thus, with the support of partners, the State has initiated a project to renovate and build cultural and youth centres throughout the country. Furthermore, the State ensures the promotion and protection of the national cultural heritage and artistic and cultural output. There is a ministry specifically responsible for culture which deals with all such matters within its sphere of competence.

#### *Economic issues*

100. Since the end of 2002, Guinea's economy has steadily deteriorated. The average annual growth rate is around 2.3 per cent. The year-on-year inflation rate reached 39.1 per cent in 2006. Foreign exchange reserves are very weak and the State is unable to service its debt. GDP per capita dropped from US\$ 379 in 2002 to US\$ 332 in 2006. The proportion of people living in poverty rose noticeably, from 49.2 per cent in 2002 to 53.6 per cent in 2005.

## 6. The right to work and social protection

101. The overall rate of participation in economic activity is 49 per cent in poor households and 42.3 per cent in non-poor households.

102. Unemployment hits young people particularly hard. Data from the Guinean Employment Promotion Agency show that, over the last seven years, out of 100,000 job applications, only 8–12 per cent were successful. The data on employment rates by economic sector (formal and informal together) show that the modern sector employs 3.5 per cent of workers and the informal sector 21.6 per cent, while traditional agriculture and livestock farming account for 74.9 per cent.

103. Social security coverage is currently very low, as a result of economic, financial and social restrictions. There is little coverage for natural risks (natural disasters), biological risks (disease, epidemics, accidents, invalidity, old age) or other risks.

104. To remedy this situation, the Government intends, among other measures, to strengthen support services for women, girls and children, improve the system for the protection and advancement of vulnerable persons, build up the capacity of services providing care and assistance to vulnerable groups, and make the services of the international medical centre available under the National Social Security Fund.

## 7. Advancement and protection of women and children

105. Government policy is reflected in:

(i) The establishment, within ministerial departments, of services for the advancement and protection of the rights of women and children, and the establishment of the National Directorate for Women's Affairs and the National Directorate for Preschool Education and Child Protection, in order to ensure that gender is taken into consideration in sectoral development programmes and projects;

(ii) The promulgation of Act No. L/2000/010/AN of 10 July 2000 on reproductive health, which includes provisions to stop female genital mutilation (art. 13);

(iii) Legislation against violence, including the following articles of the Criminal Code: 295 to 305 (assault and battery), 282 (murder and manslaughter), 290 (death threats), 321 (rape) and 371 (libel);

(iv) The fact that, in accordance with International Labour Organization (ILO) conventions, the right to work is recognized to everyone living in Guinea and has constitutional status. The same is true for the principle whereby "no one may be discriminated against in the workplace on account of his or her sex, race, ethnic origin or opinions". These guarantees and others are also covered by the Labour Code. In accordance with article 8 of the Constitution, which asserts the equality of men and women, the Labour Code does not discriminate against women with regard to access to employment;

(v) The Children's Code, which has been in place since July 2009 and has already been published in the Official Gazette;

(vi) The introduction of a National Survey on Child Trafficking in Guinea (2003), funded by UNICEF; the establishment in 2005 of a national committee to combat trafficking; the drafting of a national plan; the ratification of the ECOWAS Convention A/PI/7/92 on Mutual Assistance in Criminal Matters and ECOWAS Convention A/PI/8/94 on Extradition (ratified on 6 August 1994); the ratification in 1998 of the African Charter on the Rights and Welfare of the Child; and the ratification of the United Nations Convention against Transnational Organized

Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted on 15 November 2000 in New York. As a result, the Criminal Code was amended and cooperation agreements signed with Mali, in June 2005 in Conakry, and with Benin, the Niger, Burkina Faso, Côte d'Ivoire, Mali, Liberia, Nigeria and Togo, in July 2005 in Abidjan;

(vii) Stronger advocacy in favour of adopting the draft revised Civil Code and depositing the instruments of ratification for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

(viii) The conduct of studies and surveys in the areas of concern highlighted by the Committee on the Elimination of Discrimination against Women (data disaggregated by sex) and on trafficking of women and girls;

(ix) The drafting of a national strategy to combat trafficking of women and girls, together with a plan of action for the implementation of the five-year strategic plan of the Ministry of Social Affairs and the Advancement of Women and Children;

(x) The drafting of a national strategic plan to combat female genital mutilation (2001–2010) by the unit coordinating efforts to combat harmful traditional practices affecting the health of women and children.

### **C. Public awareness of human rights**

106. The following activities were carried out:

(i) Twenty-eight radio and television broadcasts on human trafficking were produced;

(ii) An awareness-raising week on child trafficking was organized by the *Association des enfants et jeunes travailleurs de Guinée* (Association of Child and Youth Workers of Guinea) in 2005 for the inhabitants of Conakry;

(iii) A training session was held for 15 trainers from the security forces and 8 regional seminars on combating child trafficking were organized by the *Association contre l'exploitation des enfants et des femmes (ACEEF)* (Association against the Exploitation of Children and Women), with the support of Save the Children Sweden and UNICEF, between 2004 and 2006;

(iv) A media campaign on child trafficking was organized with the support of UNICEF and the Embassy of the United States of America;

(v) Courses on child trafficking were organized by ACEEF for 540 pupils in Conakry and around the country;

(vi) Fifty-two local protection committees became involved in efforts to combat trafficking in girls and women (2003–2005) in areas affected by rebel attacks;

(vii) A workshop on international humanitarian law was organized by the civilian-military committee;

(viii) A humanitarian affairs directorate was set up in 2008 within the defence department, consisting of a division on international humanitarian law and a division on child rights and protection.

## **IV. Cooperation with human rights mechanisms**

### **A. National level**

107. In accordance with ratified conventions and domestic law, human rights organizations operate freely in Guinea.

108. Human rights organizations promote and protect human rights by working to raise awareness, carrying out training and taking positions on decisions and behaviour affecting individual and collective freedoms.

109. Human rights organizations, trade union organizations and professional bodies are involved, taking part in seminars and workshops to develop and validate government policies and programmes, legislation and reports to treaty bodies.

### **B. Regional level**

110. Guinea does not take part regularly in sessions of the African Commission on Human and Peoples' Rights.

### **C. International level**

111. Guinea has submitted initial and periodic reports on implementation of the following international legal instruments to protect and promote human rights:

- (a) International Covenant on Civil and Political Rights;
- (b) International Covenant on Economic, Social and Cultural Rights;
- (c) International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) Convention on the Elimination of All Forms of Discrimination against Women;
- (e) Convention on the Rights of the Child;
- (f) ILO conventions ratified by Guinea.

112. As regards cooperation with special procedures to protect and promote human rights, the Guinean Government has received requests for visits in connection with special procedures mandates.

## **V. Achievements and best practices**

### **A. Achievements**

113. Thanks to a genuine political will, Guinea has made significant progress in promoting and protecting human rights, developing best practices and building a democracy governed by the rule of law. The results are visible at both national and international levels.

#### **1. National level**

114. The following points should be noted:

- (a) Republican institutions have been established;
  - (b) In Guinea there are currently 101 political parties and over 1,300 associations, NGOs, groups and cooperatives;
  - (c) As regards freedom of the press, there are 22 private radio stations, with community or commercial licences, 2 licensed private television stations, 4 rural radio stations, 15 community radio stations and around 100 newspapers;
  - (d) Freedom of expression is guaranteed, and citizens exercise their right to freely express their opinions on all aspects of national life (political, economic, social and cultural).
115. At the institutional level, departments contain numerous offices that are responsible for promoting and protecting human rights.

## 2. International level

116. Guinea has ratified numerous human rights conventions and protocols. These include:

**Universal level:** virtually all international legal instruments adopted within the United Nations system, including the Rome Statute of the International Criminal Court;

**Regional level:** the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of the Child; the African Youth Charter.

## 3. National level

117. Elections are free and democratic in Guinea. In the interests of transparency, an independent national electoral commission was established in 2007, charged with monitoring and guaranteeing the transparency and proper conduct of elections.

118. A full multiparty system is in place. The activities of political parties and organizations are regulated by a body of laws, which include the following:

- (i) Organization Act No. L/91/002 of 23 December 1991 establishing the Political Parties Charter;
- (ii) Act No. L/91/012 of 23 December 1991 establishing the Electoral Code;
- (iii) Organization Act governing the financing of political parties;
- (iv) Act regulating opposition parties;
- (v) Code of conduct for political parties.

119. Act No. L/2005/013/AN of 4 July 2005, on the establishment, organization and functioning of associations, and Act No. L/2005/014/AN of 4 July 2005, on the establishment, organization and functioning of cooperatives and economic interest groups, place no restrictions on their establishment. Similarly, Organization Act No. L/91/002 of 23 December 1991 establishing the Political Parties Charter places no restriction on the establishment or grouping of political parties.

120. A diverse media, freedom of expression and freedom of the press are guaranteed. Attention is drawn to the following in this context:

- (i) Organization Act No. L/91/005 of 23 December 1991 on freedom of the press;
- (ii) Organization Act No. L/91/006 of 23 December 1991 establishing the National Communication Council;

- (iii) The Independent Radio and Television Union of Guinea;
- (iv) The existence of around 100 newspapers and 20 online media outlets.

121. The independence of the judiciary is enshrined in the Constitution and guaranteed by Organization Act No. L/91/011 of 23 December 1991 governing the judiciary and Organization Act No. L/91/010 establishing the Supreme Council of Justice.

122. Measures to promote and protect human rights include the establishment of the above-mentioned public services and the recent publication of the Children's Code.

123. There is no code of judicial conduct as such, but the Organization Act governing the judiciary contains strict rules of ethics and professional practice.

124. The Criminal Code provides for the death penalty for certain serious crimes that cause public outrage. The death penalty was last imposed in 2002.

125. The gross school enrolment rate rose from 77 per cent to 79 per cent between 2005 and 2008, with the figure for girls rising from 68 per cent to 71 per cent during the same period. In other words, an overall growth rate of 2 per cent and one of 3 per cent for girls.

126. No figures are available concerning the increase in health-care coverage.

127. Caesarean sections are provided free of charge in all hospitals in Guinea; immunization is free of charge for all children under the age of 5 throughout the country; work on building health centres is under way in all sub-prefectures; the distribution of free, impregnated mosquito nets is continuing and being extended to disadvantaged neighbourhoods in rural and urban areas; and the drilling of boreholes in villages is increasing the rate of access to safe drinking water every year. In July 2009, the new Government started work on restoring water and electricity to urban neighbourhoods which had been without supplies for over three years.

128. In the region as a whole, tuberculosis, yellow fever, measles, cholera and meningitis are epidemic diseases and malaria and HIV/AIDS are pandemic diseases.

129. Life expectancy is 54 years.

130. Malaria prevention, Caesarean sections, antiretroviral drugs and the treatment of tuberculosis in pregnant women and children are all provided free of charge.

131. The rate of access to safe drinking water increased from 62.3 per cent in 2002 to 73.2 per cent in 2007, the figure for rural areas being 70.3 per cent in 2007.

132. The political will to promote and protect human rights has made it possible to organize consultation and training workshops on human rights for Government and non-State actors. Human rights and humanitarian law are included in training programmes for trainee magistrates, police and gendarme cadets and military personnel.

133. Women are represented in all institutions and political parties. The latter regularly organize seminars on promoting female leadership with the support of NDI, IFES, the *Faisons Ensemble* (Working Together) project and several national women's NGOs such as the *Coalition nationale de Guinée pour les droits et la citoyenneté des femmes* (National Coalition for Women's Rights and Citizenship).

134. The Ministry of Social Affairs ensures compliance with conventions on children's rights and women's rights. A joint national five-year programme to combat female genital mutilation, supported by the United Nations Population Fund (UNFPA) and UNDP, is currently under way. National campaigns to combat excision are organized regularly and are strengthened through the involvement of NGOs and opinion formers, and the imposition of punitive measures.

135. Guinea has ratified various ILO conventions.
136. Guinea has recently published a Children's Code.
137. Prisons in Guinea have separate quarters for children, women and men.
138. There is no independent national commission established in accordance with the Paris Principles as such, but there are relatively independent bodies responsible for defending human rights, such as the National Observatory for Democracy and Human Rights.
139. The aforementioned Acts Nos. L/013 and L/014 enable civil society organizations working in the field of human rights to be established and to operate freely. They enjoy some measure of protection and considerable freedom of action.
140. Police custody procedures and time limits are not always observed. Nevertheless, the political will for change means that inspections are carried out by prosecutor's offices and the Inspectorate-General of Judicial Services. In order to ensure that deprivation of liberty is the exception and not the rule, seminars and workshops are organized to build capacity among law enforcement officers and political and administrative authorities.
141. Systematic teaching of human rights and humanitarian law is included in training programmes for the security and defence forces. International institutions, NGOs and government offices assist in this training by running seminars and workshops on specific topics for the security and defence forces. They also work to raise public awareness of respect for human rights principles and humanitarian law.
142. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are taught and observed. However, unfortunate situations do occasionally arise, and the authorities respond to such challenges through preventive, repressive and remedial measures.

## **B. Best practices**

143. Human Rights Day is observed annually on 10 December in Guinea.
144. The Local Government Code is the expression of a decentralization policy aimed at introducing genuine grass-roots democracy. Article 3 of the Code states that "urban municipalities and rural development communities constitute the institutional framework for the participation of citizens in local democracy, guaranteeing the expression of diversity".
145. NGOs and development partners work together in coalitions of human rights organizations on projects, action programmes, seminars and discussion groups to promote and protect human rights.
146. Local protection committees in rural border communities monitor trafficking in children in order to enforce the Children's Code, the Convention on the Rights of the Child and the United Nations Convention against Transnational Organized Crime and its protocols.
147. The National Directorate for Civic Education, in collaboration with other education services, ensures that teaching on human rights and humanitarian law is included in school and university curricula.
148. In the context of informal education, work on human rights is promoted through comprehensive public information campaigns, awareness-raising activities and training for group leaders (using peer educators), all of which contributes to a culture of peace, democracy and responsible citizenship within communities.

149. Measures to introduce human rights into formal and informal education curricula include establishing local information centres in courts of first instance, holding joint sessions of municipal and community councils and establishing community forums.

150. The establishment of a national agency to combat corruption has reinforced government efforts to fight corruption and financial and economic crimes.

151. Legal assistance for the poor is provided through a series of measures which include training for paralegal personnel, the establishment of local counselling, information and guidance centres for young people, and interactive broadcasts on human rights organized by community radio stations.

### **C. Challenges and constraints**

152. Poverty and illiteracy are the major obstacles to the protection of human rights. In 2007, the proportion of the Guinean population living below the poverty line, in other words on an income of less than US\$ 321.70 per person per year, was 53.6 per cent.

153. Illiteracy, which affects 65 per cent of the population, also hinders the promotion and protection of human rights.

154. A number of entrenched, traditional practices undermine human rights. They include forced and early marriages, female circumcision, infibulation, violence against women and children, levirate and sororate.

155. Youth unemployment impedes the protection of human rights by encouraging delinquency and organized crime.

156. Slow and cumbersome legal proceedings undermine human rights, resulting in extended periods of pretrial detention and slow resolution of cases.

157. A number of barriers hamper access to the law and to justice: the remoteness of the system from the public and their poor knowledge of it, poverty, failure to enforce the law on legal aid, ignorance of laws and rights, and the fact that most lawyers and other legal officials are based in Conakry.

158. Efforts to harmonize domestic legislation with international legal instruments are ongoing and concern the draft civil code, the Criminal Code, the Code of Criminal Procedure and the Code of Economic Activities. The Children's Code is an example of successful harmonization. Guinea is party to the Treaty on the Harmonization of Business Law in Africa, which establishes community law in this field and harmonizes trade procedures.

159. The dissemination of international human rights instruments represents a great challenge. Ratified instruments are often not published. The reason given is the Ministry of Justice's small budget. The Official Gazette also has a limited circulation owing to budgetary constraints.

160. Most citizens are not familiar with human rights and human rights mechanisms because of problems of access to documentation.

161. Poor governance and management explain the limited operational capacity of actors. Other reasons are inadequate financial and material resources, a lack of qualified human resources and an absence of monitoring and evaluation.

162. Modern and customary law vie for jurisdiction over landownership, inheritance, marriage and the protection of women and children. Disputes are often settled under the "palaver tree".

163. Few children have a birth certificate. Parents are unfamiliar with the birth registration process. In 2008, however, a national civil registration service was set up within the Ministry of Decentralization and Local Development. One of its tasks is to provide information and raise public awareness, particularly in rural areas.

164. Child labour and the persistence of the traditional practices of levirate and sororate violate basic human rights.

165. There is a marked lack of civic behaviour in Guinea, which is noticeable at all levels of society. This is a direct consequence of the high level of corruption and fraud.

*Sources:*

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  - Poverty reduction strategy paper (DSRP2 2007–2010 MEF CONAKRY, August 2007)
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