



**International Covenant on
Civil and Political Rights**

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**Third periodic report submitted by Guinea under
article 40 of the Covenant, due in 1994* ****


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Introduction

1. Guinea is located in south-western West Africa and has a surface area of 245,857 km². It is a coastal country with 300 km of Atlantic coastline. Thanks to its hydroelectric potential, combined with its many mineral resources (bauxite, gold, diamonds, uranium, iron, cobalt, etc.), Guinea is one of the countries in West Africa with the greatest promise for economic development.
2. In Guinea, the promotion and respect of human rights are enshrined in the Constitution. The Constitution cites the Declaration of the Rights of Man and of the Citizen, as well as the Universal Declaration of Human Rights of 10 December 1948, as sources of inspiration in this regard. The fundamental human rights set out in these declarations are reflected in the Constitution, title II of which guarantees that they will be respected.
3. Guinea is a State with a monistic tradition and recognizes the primacy of international law. Thus, an international treaty that has been ratified becomes part of the domestic legal order as from the date of its entry into force, without the need to adopt a law incorporating it (see art. 151 of the Constitution). Duly approved or ratified treaties or agreements have, upon their publication, an authority superior to that of laws, subject to reciprocity. A law authorizing ratification or approval of an international agreement cannot be promulgated or enter into force if it is declared to be unconstitutional (see art. 150 of the Constitution).
4. Guinea reiterates its commitment to give the international conventions that it has duly ratified precedence over domestic law and, accordingly, to bring domestic law into line with those conventions.
5. Currently, Guinea is a party to most of the international human rights conventions.
6. In order to meet its national and international commitments, Guinea has made considerable efforts to ensure respect for rights, freedoms and democracy, establishing an appropriate legislative framework and implementing numerous policy documents and strategies.
7. The present report was prepared in accordance with article 40 of the Covenant and covers the period from 2007 to 2017.

I. General legal framework for the promotion of civil and political rights (2007–2017)

8. Guinea is a party to a number of international human rights instruments.
9. During the reporting period, the following instruments were ratified:
 - The Hague Convention on the Civil Aspects of International Child Abduction, in November 2011
 - The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in November 2011
 - The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in April 2016. In addition, Guinea has also been a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) since 16 April 2012

A. Legislation

10. During the reporting period, several pieces of legislation were enacted with the aim of establishing the primary constitutional institutions and regulating life in Guinean society in accordance with democratic principles and human rights. The main pieces of legislation enacted are the following:

- The Constitution of 23 December 1990
- The Constitution of 7 May 2010
- Act No. L/2007/013/AN of 29 October 2007 adopting and enacting the Act on the establishment, responsibilities, composition, organization and functioning of the Independent National Electoral Commission
- Act No. 14/2012/016/CNT on the composition, organization and functioning of the Independent National Electoral Commission
- Organic Act No. L/2010/003/CNT of 23 June 2010 on the powers, membership, organization and functioning of the High Communications Authority
- Organic Act No. 002/2017/AN of 24 February 2017 establishing the revised Electoral Code of Guinea

Regarding the defence and security forces

11. The reform of the security sector, which has been taking place in Guinea since 2010 with support from the international community following an assessment of the sector, is currently a government priority. This reform is based on a strategic framework structured around the following key elements:

- The joint evaluation report issued by the African Union, the Economic Community of West African States and the United Nations system in 2010 evaluating the security sector
- The President's policy statement on the reform of the security sector (December 2012)
- The National Defence and Security Policy
- The sectoral policies of the five priority sectors (the army, the police and civil defence forces, the judiciary, customs and the environment)

12. These sectoral policies are being established through the National Priority Action Strategy, which was approved in May 2014 and updated in 2016 and will be implemented until 2019.

13. A national steering committee for security sector reform was established to monitor the reform process. A number of measures have been taken in this connection, including:

- The adoption of Act No. 02/CNT/2012 establishing the Code of Military Justice of 17 January 2012 and the military court
- The adoption of Act No. L/2015/009/AN of 4 June 2015 on maintaining public order
- The adoption of two major laws in 2013: Act No. 2013/044/CNT of 12 January 2013 on the special status of the national police; and Act No. 2013/045/CNT of 12 January 2013 on the special status of the civil defence forces

Regarding judicial reform

14. From 28 to 30 March 2011, the Ministry of Justice held national consultations on the judicial system, with the participation of staff members of the Ministry of Justice, lawyers, judges, religious leaders, civil society organizations, international partners, etc. to determine the current state of the system. These national consultations provided an opportunity for the Government to recognize the many significant challenges facing the judicial system.

15. On 16 July 2014, the President officially approved the National Policy on Justice Sector Reform. This policy is accompanied by a costed priority action plan (2015–2019), which the President also approved on 18 February 2015 at the meeting of the third national steering committee for justice sector reform. The new laws enacted in this domain include:

- Act No. 2015/019/AN of 13 August 2015 on the organization of the judiciary in Guinea

- Organic Act No. L006/2011/CNT of 10 March 2011 on the organization and functioning of the Constitutional Court
 - Organic Act No. L/2013/054/CNT of 17 May 2013 on the status of judges
 - Organic Act No. L/055/CNT/2013 of 17 May 2013 on the membership, organization and functioning of the High Council of the Judiciary
16. The Government has established the High Council of the Judiciary, which has been operational since July 2014.
17. The new Criminal Code and the new Code of Criminal Procedure were adopted in October 2016 through Act No. 14/2016/059/AN of 26 October 2016 establishing the Criminal Code of Guinea and Act No. L/2016/060/AN of 26 October 2016 establishing the Code of Criminal Procedure of Guinea.
18. The following should be noted with regard to the fight against human rights violations:
- The establishment of the Ministry of Human Rights and Public Liberties, renamed the Ministry of National Unity and Citizenship, which is the department responsible for designing and implementing the national policy on the promotion and protection of human rights. The establishment of the independent national human rights institution in December 2014 pursuant to Organic Act No. NOL/08/CNT/2011 of 14 July 2011 on the organization and functioning of the independent national human rights institution.
 - The establishment of the Office of the Ombudsman pursuant to Organic Act No. 004/CNT/2013, which describes the functioning of the Office and the methods by which cases may be referred to the Office and by which the Office may intervene.
19. National law on the rights of migrant workers is primarily set out in the following pieces of legislation:
- Act No. L/94/019/CTRN of 13 June 1994 setting the conditions for the entry and residence of foreign nationals in Guinea. Under the Act, all foreign nationals, without discrimination, who fulfil the requirements of the Department of Security, have the right to enter, settle in and move freely throughout the national territory.
 - Act No. L/2014/072/CNT of 10 January 2014 establishing the Labour Code. Article 4 of this new law also enshrines the principle of non-discrimination in the field of employment and work in Guinea.
20. The following should be noted with regard to the protection of vulnerable groups:
- Act No. L/2000/010/AN of 10 July 2000 on reproductive health, articles 6 and 13 of which address the issue of violence against women and prohibit and provide for criminal sanctions against all perpetrators of inhuman and degrading treatment.
 - On 19 August 2008, Act No. L/2008/01 VAN establishing the Children's Code was promulgated.
21. In order to establish a national policy statement on the promotion and protection of human rights, the Government initiated a process of public consultations in 2015, which will culminate in national consultations on human rights that will be held in the first quarter 2018. The results of these national consultations on human rights will serve as the basis for drafting the national policy statement on the promotion and protection of human rights in Guinea.

B. Regulations

Regarding the defence and security forces

22. Discipline has been strengthened within the various security forces through the adoption of important pieces of legislation and through awareness-raising and training on the new disciplinary measures that now apply:

- Decree No. D/2016/N0261/PRG/SGG of 25 August 2016 on the composition, organization and functioning of the disciplinary council of the national police and civil defence forces
- Circular No. 005/MSPC/CAB/16 of 26 October 2016 on the disciplinary procedure applicable to officials of the Ministry of Security and Civil Defence
- Decree No. D/2016/262/PRG/SGG of 25 August 2016 establishing the code of good practice of the national police
- Decree No. D/2016/263/PRG/SGG of 25 August 2016 establishing the code of good practice of the civil defence forces
- Order No. 6023/MSPC/2016 establishing the disciplinary code of the national police and civil defence forces

Regarding judicial reform

23. The following should be noted in the context of the reform of the justice sector:
- Decree No. D/2013/152/PRG/SGG of 1 October 2013 establishing the rules of operation of the High Council of the Judiciary
 - The signing on 24 June 2014 of Decree No. 2014/146/PRG/SGG establishing the system of remuneration for judges
 - The establishment of the Corrections Commission by Order No. N03178 of 17 June 2014 and the issuance of its report, on the basis of which a series of measures will be taken, including improvements to the system for feeding prisoners
 - The decree on the legal regime for correctional institutions adopted by the Cabinet of Ministers on 13 October 2016
 - The decree on the status of staff members of the Prison Administration adopted by the Cabinet of Ministers on 13 October 2016
24. With regard to the fight against human rights violations, the following regulations on the organization of the former Ministry of Human Rights and Public Liberties, which is now the Ministry of National Unity and Citizenship, should be mentioned:
- Decree No. D2014/082/PRG/SGG of 7 April 2014 on the responsibilities and organization of the Ministry of Human Rights and Public Liberties, and Decree No. D/2016/133/PRG/SGG of 20 April 2016 on the responsibilities and organization of the Ministry of National Unity and Citizenship
 - In 2014, an interministerial committee on human rights was established under the Ministry of Human Rights and Public Liberties by order of the Prime Minister
25. Regarding the protection of vulnerable groups, the following should be noted:
- The existence within the Government of the Ministry of Social Action, the Advancement of Women and Children's Affairs
 - The establishment of a national observatory to combat gender-based violence in 2011 (by Order No. 3388/PRG/SSG) in order to identify and bring to light any gaps in the effort to reduce gender-based violence
 - The establishment of the National Office for the Protection of Gender, Children and Morals within the Ministry of Security and Civil Defence through Order No. 3476 of 1 December 2009, confirmed by Decree No. 120/PRG/SGG/1 I of 14 April 2011
 - The establishment in 2017 of the National Committee to Combat Human Trafficking and Similar Practices by Decree No. D/2017/039/PRG/SGG on the establishment, powers, organization, membership and functioning of the National Committee to Combat Human Trafficking and Similar Practices

II. Information concerning the substantive provisions of the Covenant

Article 1: Right of peoples to self-determination

26. The rights of peoples regarding their self-determination are among the fundamental rights recognized in the Constitution and other legal provisions (laws and regulations), thereby facilitating the full enjoyment of those rights by Guineans.

27. Thus, all Guineans and all persons living in Guinea enjoy equal protection of the law as stipulated in article 1 of the Constitution, which states: “Guinea is a unitary, indivisible, secular, democratic and social republic. It shall ensure the equality of all citizens before the law, without distinction as to origin, race, ethnicity, sex, religion or opinion.”

28. In addition, article 2 of the Constitution states: “National sovereignty belongs to the people and is exercised by the people through its representatives or by referendum.”

29. In addition to this normative framework that guarantees to Guineans the various fundamental rights that enable them to flourish economically, socially and politically, the State has also taken specific actions to ensure full enjoyment of these rights. These actions are incorporated into two main development tools, namely:

- The national forecasting study titled “Guinea Vision 2040”
- The National Plan for Economic and Social Development 2016–2020, which rests on the following four main pillars:
 - The promotion of good governance for sustainable development
 - Sustainable and inclusive economic transformation
 - The inclusive development of human capital
 - The sustainable management of natural resource capital

30. The forecasting study sets the overall strategic policy measures for long-term development while outlining the path forward to achieve development by 2040. The National Plan, on the other hand, is a tool for implementing the strategic policy measures with a view to making the vision a reality and achieving the established goals.

Article 2: Ensuring the enjoyment by all citizens and foreigners of the rights recognized by the Covenant

31. Guinea has made a commitment to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind.

32. Title II of the Constitution, specifically articles 7 and 8, enshrine not only the freedom of belief, the freedom of thought and the freedom to profess one’s religious faith and political or philosophical views, but also the equality of all human beings before the law.

33. The same protection of the law is guaranteed to foreigners, as stipulated in articles 11, 20 and 24 of the Constitution:

“Anyone who is persecuted because of their political, philosophical or religious opinions, their race, their ethnicity, or their intellectual, scientific or cultural activities, in defence of freedom has the right to asylum within the territory of the Republic ...

The right to work is recognized for all persons. The State establishes the conditions necessary to exercise this right. No one can be denied this right on the grounds of gender, race, ethnicity, opinion or any other ground of discrimination. Everyone has the right to join the trade union of their choosing and to defend their rights through

union action. Every worker has the right to participate, through representatives, in determining working conditions. The right to strike is recognized. It is subject to relevant legislation. It may not under any conditions undermine the freedom to work. The law establishes the conditions for protection and assistance to which workers are entitled ...

The law guarantees to all the exercise of their fundamental freedoms and rights. The State sets out the conditions under which these freedoms and rights may be exercised. The State can impose no restrictions on these freedoms and rights other than those that are essential to the maintenance of public order and democracy. Groups whose aims or activities are illegal or clearly disrupt public order can be dissolved.”

34. With the aim of guaranteeing for everyone the rights recognized in the Covenant, in its Code of Criminal Procedure and in its Code of Civil Procedure Guinea has provided for recourse to the relevant courts in the event of violations of the rights and freedoms recognized in the Covenant.

35. However, while State legislation provides for legal aid, namely in the Constitution and in the Code of Criminal Procedure, it should be acknowledged that, in practice, the State is struggling to implement these provisions, owing to the limited funds allocated for this purpose. However, some civil society non-governmental organizations are making efforts to provide legal aid.

36. Such is the case with the legal clinics run by the Guinean Organization for Human Rights, *Mêmes Droits pour Tous* (The Same Rights for All), The International Federation for Human Rights Leagues, the Guinean chapter of Lawyers without Borders and the Guinean League for the Defence of Human Rights.

37. Guinean citizens and foreigners also have other remedies available to them, including:

- The Office of the Ombudsman of the Republic. Provisions concerning the Office are set out in articles 127 to 131 of the Constitution. It acts as an independent, non-contentious mediator between the authorities and the general public. The Office receives, in accordance with the conditions prescribed by law, complaints from members of the public concerning their dealings with central, district or local government authorities, public institutions and any other public service bodies or entities to which public service functions have been attributed by law.
- The independent national human rights institution. This institution is provided for in articles 146 to 148 of the Constitution. It has a mandate to, inter alia, receive and investigate complaints of human rights violations and seek solutions, and to provide or facilitate legal aid to victims of such violations, in particular women, children and other vulnerable persons.
- The Ministry of Human Rights and Public Liberties, renamed the Ministry of National Unity and Citizenship. This is the Ministry responsible for designing and implementing the national policy on the promotion and protection of human rights. It comprises the National Human Rights Directorate, which has the power to receive complaints of human rights violations and ensure that they are expeditiously dealt with by the relevant competent authorities (3,800 cases involving allegations of human rights violations were reported between October 2012 and August 2017).

38. Foreigners may ask the Minister of Security and Civil Defence to annul decisions prohibiting them from residing in Guinean territory or decisions calling for their expulsion or deportation or denying or withdrawing their residence permit. Orders relating to such actions can be revoked under articles 41 and 54 of Decree No. D/94/059 implementing Act No. L/94/019/CTRN of 13 June 1994, which sets out the conditions for the entry and residence of foreign nationals in Guinea.

39. In judicial matters, Guinean citizens and foreigners may bring cases before the ordinary courts. Persons subject to the jurisdiction of the courts may bring cases before the ordinary courts at the level of the magistrate’s courts in each of the country’s 33 prefectures

or the courts of first instance. They also have the possibility to appeal decisions issued by these courts to the appropriate court of appeal, depending on their place of residence.

40. As for new developments, it should be noted that criminal cases now fall under the jurisdiction of the courts of first instance pursuant to Act No. 2015/019/AN of 13 August 2015 on the organization of the judiciary and Act No. 2016/060/AN of 26 October 2016 establishing the Code of Criminal Procedure.

41. Lastly, human rights NGOs are currently advocating for the ratification by Guinea of the Optional Protocol to the Covenant, thereby recognizing the Human Rights Committee's competence to receive communications from individuals claiming to be victims of violations of their rights under the Covenant. A number of these rights are also enshrined in the Constitution.

Article 3: Principle of non-discrimination on the ground of sex

42. Guinea has ratified the Convention on the Elimination of All Forms of Discrimination against Women as well as the main international and regional instruments relating to women's rights, and it has a wide array of domestic laws in place that guarantee the principle of equality between men and women (the Constitution, the Criminal Code, etc.).

43. Non-discrimination is the foundation of all the provisions of the Constitution. Article 8 stipulates: "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 their sex, birth, race, ethnicity, language or beliefs or their political, philosophical or religious views."

44. Under article 20 of the Constitution, all persons have the right to work, without discrimination. The State undertakes to create the conditions necessary for the exercise of that right and to ensure that no one living in its national territory is discriminated against in the workplace on account of their sex, race, ethnic origin or opinions or on any other grounds.

45. The principle of non-discrimination in the field of employment and work in Guinea is also enshrined in article 4 of the new Act No. L/2014/072/CNT of 10 January 2014 establishing the Labour Code. Under the Act, employers and their representatives are prohibited from taking into consideration sex, age, national extraction, race, religion, colour, political or religious views, social origin, membership or non-membership of a trade union, trade union activity or disability when making decisions relating to recruitment, the conduct or distribution of work, staff development, advancement, promotion, remuneration, allocation of social benefits, disciplinary measures or termination of employment contracts.

46. The new Criminal Code condemns female genital mutilation and sexual assault, including marital rape.

47. Articles 295 to 300 of the Criminal Code prohibit any form of discrimination in various spheres of life, whether committed by natural or legal persons. Discrimination is punishable by 1 to 3 years' imprisonment and a fine of 500,000 to 10 million Guinean francs. However, article 298 of the Criminal Code provides that this sanction will not be applied in cases where candidates for vacancies have been rejected on the basis of their nationality in line with the statutory provisions on the civil service.

48. Nevertheless, this has not led to the full enjoyment by women of their rights, given the insufficient level of implementation as well as the existence of legal loopholes in certain sectors. In addition, the lives of women remain largely governed by rules and customary practices that make them subordinate to men.

49. For example, the Guinean Civil Code contains provisions that discriminate against women, such as the provisions on inheritance.

50. Also, practices such as repudiation, various forms of violence and other forms of discrimination in the area of marriage still persist. Moreover, the draft revised Civil Code of 2002 has not yet been adopted.

51. Another form of discrimination is impunity for marital rape. This is due to an absence of complaints, which is explained by the fact that women victims of this form of assault are pressured by their families not to file complaints.

52. The socioeconomic status of women remains vulnerable, with wide disparities in the areas of education, health and employment.

53. According to the results of the latest biometric census conducted in 2012 and 2013, only 26 per cent of civil servants are women, most of whom hold positions with limited responsibilities.

54. In 2012, 17.6 per cent of Supreme Court judges, 11 per cent of the police force and 15 per cent of the gendarmerie were women (according to a 2012 evaluation conducted by the Economic Community of West African States). The percentage is much lower in the army, standing at 5.9 per cent (according to the 2012 biometric census). It should be noted that, in the defence and security forces, there are virtually no women in high-ranking positions.

55. Lastly, the country has not yet ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

56. To remedy that situation, the Government has taken several steps and initiated several projects, including:

- The programme to include more women and young people in the administration, which has been carried out since 2012 with the support of the French Embassy. Through this project, more than 180 women holding positions of authority in various departments of both the central and decentralized administration have been trained.
- The programme to institutionalize a gender-based approach and prevention of and protection against gender-based violence within the defence and security forces, with the support of the United Nations Peacebuilding Fund and the United Nations system in Guinea.

57. In addition, new reforms of the Criminal Code and the Code of Criminal Procedure have made it possible to better prosecute cases of gender-based violence.

58. Moreover, Guinea has established several mechanisms to support the implementation of the various strategies and programmes. These mechanisms mainly fall under the aegis of the Ministry of Social Action, the Advancement of Women and Children's Affairs:

- Appointment of gender focal points at the senior level in all ministries
- Establishment of an expanded thematic group on gender
- Establishment of the Network of Women Ministers and Parliamentarians
- Establishment of regional committees to combat gender-based violence and the National Committee on the Elimination of Female Genital Mutilation/Cutting
- Establishment of a committee for follow-up on the recommendations of the Committee on the Elimination of Discrimination against Women and regional committees

Article 4: State of public emergency

59. Article 90 of the Constitution of Guinea states as follows: "A state of siege or a state of public emergency may be decreed by the President of the Republic after consultation with the President of the National Assembly and the Constitutional Court. These decrees are published in the Official Gazette. The President may adopt by order any measures necessary to defend the integrity of the territory and to restore or maintain public order. The

National Assembly shall meet without being convoked if it is not in session. It cannot be dissolved. The decree proclaiming the state of public emergency ceases to have legal effect after 12 days, unless the National Assembly has, at the request of the President, authorized its extension for a set period of time.”

60. Orders issued under a state of siege or state of public emergency cease to be in force once that state has ended.

61. A state of public emergency is an exceptional measure that is aimed at protecting public peace in the country. For example, a state of public emergency was declared on 17 November 2010 when incidents erupted after the provisional results of the presidential election were announced.

62. Also, the state of siege provided for in article 47 of the Constitution of 23 December 1990 was applied in 2007 following a popular uprising against the regime of President General Lansana Conté, which dangerously undermined public order and State security.

63. In accordance with Act No. 97/AN of 19 June 1997 establishing the Public Health Code on the protection and promotion of the health of individuals and families, on 13 August 2014 President Alpha Condé declared a public health state of emergency in response to the Ebola outbreak. That state of emergency was then strengthened on Saturday, 28 March 2015 for 45 days in five prefectures in the south and south-east of the country.

64. In addition, article 6 (3) of the Constitution provides that no exceptional circumstances or emergency may be used to justify human rights violations. However, it is important to recognize that serious violations were reported during the periods of unrest in 2007 (when a state of siege was declared) and 2010 (when a state of public emergency was declared).

Article 5: Measures, restrictions upon or derogations from human rights

65. Under title II, article 5 of the Constitution, the fundamental human rights, duties and freedoms and human dignity are inviolable. The article states: “The State has a duty to respect and protect them. The rights and freedoms listed below are inviolable, inalienable and imprescriptible.”

66. Pursuant to this provision, no further measures, restrictions upon or derogations from human rights are allowed in Guinea.

Article 6: Right to life

67. Article 5 of the Constitution reaffirms the sanctity of the human person and human dignity. The State has a duty to respect and protect them.

68. Guinea has therefore established the right of all persons living in its territory to life and to protection from physical and moral injury, as well as the right to protection from torture and cruel, inhuman or degrading treatment or punishment (art. 6 of the Constitution).

69. The right to life is protected under various provisions of the Guinean Criminal Code, notably in title II (arts. 282 et seq.). The following acts are severely punished:

- Aggravated assault and involuntary or voluntary violence
- Violence between spouses
- Murder and homicide
- Abortion
- Poisoning
- Castration

70. Under the Criminal Code, the death penalty has been removed from the list of criminal penalties in Guinea.

71. Deaths do often occur, however, particularly during public demonstrations. For example, deaths were recorded during the strike that took place in January and February 2007, the political demonstration on 28 September 2009, and the demonstrations carried out by the opposition from 2010 to the present day.

72. Even worse, mob justice often occurs in the country, whereby alleged perpetrators of crimes are burned alive by members of the community. This situation can be explained by, inter alia, the people's lack of trust in the current system, as well as the persistence of impunity.

73. To address this situation, in 2010 the Government launched a programme to reform the security sector, which resulted in the adoption of the Code of Military Justice, the establishment of the military court, and the adoption of the law on maintaining public order in Guinea. The latter regulates the use of force and conventional weapons in operations to maintain and restore public order in the country.

74. Article 141 of the Constitution stipulates that parliament oversees the actions of the defence and security forces. In this context, the Defence and Security Commission within the National Assembly regularly conducts parliamentary fact-finding missions in the various units of the defence and security forces in the four military regions of the country, with support from the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Peacebuilding Fund.

75. In addition to these legislative measures, some progress has been made with regard to prosecuting members of the defence and security forces who commit acts of violence against civilians, including against activists from opposition parties.

76. In order to consolidate a human rights culture within the defence and security forces, in September 2016 the Government reopened the national police and civil defence forces academy and developed training modules in human rights for the defence and security forces, with technical and financial support from the OHCHR country office in Guinea and the United Nations Peacebuilding Fund.

77. Also, several in-service training courses have been held over the past two years, including: training for officers on intervention techniques, shooting techniques and professional methods of intervention (January and February 2017); training for officers in monitoring and surveillance techniques; training on arresting dangerous individuals in public spaces (in 2016 and 2017, as part of the Programme to Support Security Sector Reform (European Union)); technical strengthening of the Investigation and Intervention Brigade in 2016; ongoing capacity-building to establish true community policing that is more preventive than reactive; training for criminal investigation officers on their roles and responsibilities in the promotion and protection of human rights (an OHCHR programme); and training for criminal investigation officers and judges on combating gender-based violence (a joint programme by OHCHR and the United Nations Peacebuilding Fund).

78. The Ministry of National Unity and Citizenship, the independent national human rights institution, OHCHR and some civil society organizations also organize field missions to monitor elections or the human rights situation in the context of various electoral processes or political and social protests, with the aim of preventing acts of violence and violations of human rights.

79. In order to allow for the full enjoyment of human rights and ensure their promotion and protection, the Guinean legislature has declared that the State has an obligation to ensure the dissemination and teaching of human rights (art. 25 of the Constitution).

80. Further efforts are needed, however, to implement such educational programmes in schools.

Article 7: Prohibition of torture and cruel, inhuman or degrading treatment or punishment

81. Article 6 of the Constitution provides that no person may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

82. Guinea ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1989. That Convention requires States parties to combat torture, to undertake impartial investigations whenever there are reasonable grounds for believing that acts of torture have taken place, and to punish the perpetrators.

83. The relevant provisions of that Convention have been incorporated into the new Criminal Code, including those relating to criminalization and the State's obligation to punish acts of torture and cruel, inhuman or degrading treatment. In particular, articles 232 et seq. of the Criminal Code:

- Define torture as an offence punishable by 5 to 20 years' imprisonment or life imprisonment, depending on the circumstances in which the offence was committed, as well as additional penalties or heavy fines, also depending on the circumstances
- Punish accomplices in acts of torture with the same penalties as the main perpetrator
- Punish attempts to commit acts of torture
- Provide for the punishment of acts of torture committed by legal persons

84. The adoption of the new Code by the National Assembly has thus filled a significant legal gap in this regard.

85. Moreover, in 2016 the National Assembly also adopted a new Code of Criminal Procedure with improved guarantees for persons involved in court proceedings.

86. With a view to ensuring that persons in custody are treated humanely and preventing the use of torture, the Code contains provisions regulating the initial investigation conducted by the criminal investigation police. These provisions relate to the medical examination of persons in custody on the decision of the prosecutor or at the request of the accused or their counsel (arts. 89 and 92 of the Code) and the supervision of custody by the authorities of the prosecution service and the investigations oversight chamber.

87. To that end, article 109 of the Code provides: "If criminal investigation officers commit acts of abuse in connection with the application of custodial measures, the public prosecutor shall inform the Prosecutor General, who shall refer the matter to the investigations oversight chamber to annul the legal actions taken in the light of the fact that the rights of the accused were violated. At the same time that it annuls the legal actions, the chamber may decide to temporarily remove the perpetrator of the abuse from their post. The Prosecutor General may then proceed to permanently remove the perpetrator from their post."

88. The new Code of Criminal Procedure also sets out a rigorous procedure for monitoring the enforcement of warrants for committal and pretrial detention (arts. 235 et seq.).

89. Guinea submitted its initial report on the implementation of the Convention against Torture on 6 May 2014, 25 years after the due date. The report was considered by the Committee against Torture in Geneva the very same day, at its fifty-second session.

90. The Government is in the process of publicizing and implementing the recommendations arising from the consideration of the report, in cooperation with various national stakeholders and technical and financial partners.

91. Since 2010, the Government has held annual celebrations of the International Day in Support of Victims of Torture on 26 June with the technical and financial support of the OHCHR country office in Guinea and the International Organisation of La Francophonie.

92. The NGOs *Mêmes Droits pour Tous*, *Association des Parents et Amis des Victimes du 28 Septembre 2009* (Association of Relatives and Friends of the Victims of 28

September 2009) and Centre Mère et Enfants (Centre for Mothers and Children) also receive support from the United Nations Voluntary Fund for Victims of Torture for the purpose of carrying out relevant activities in Guinea. As part of the implementation of the first phase of the Priority Plan for Peacebuilding in Guinea, a project to assist victims of torture and gender-based violence was launched in support of the 50 victims of the events of 28 September 2009 and other events following the elections in 2010 and 2013.

93. Since 2014, a committee responsible for monitoring human rights violations, including cases of torture, composed of members of the defence and security forces, key government departments, NGOs working in the field of human rights and OHCHR, has been exchanging information, investigating cases identified in the field each month, and engaging in joint advocacy before the competent judicial and administrative authorities with a view to finding an appropriate remedy for such violations.

94. At the 2012 session of the Conakry Assize Court, despite the absence of provisions on torture in the Criminal Code at the time, Judge Boiro invoked the Convention against Torture when trying and convicting a gendarme to 15 years' rigorous imprisonment for acts of torture that resulted in the death while in police custody of a 21-year-old student accused of stealing a motorcycle in Kindia. The "Boiro decision" constitutes an important piece of case law in Guinean legal history on the issue of combating torture.

95. A number of cases involving torture and inhuman, cruel or degrading treatment by officials of the defence and security forces are currently before the courts. For example:

- The case against three senior officers who are being prosecuted by the government prosecutor's office for the torture of some 10 young persons in Hamdallaye in 2010, on the basis of a complaint filed by the Guinean Organization for Human Rights and the International Federation for Human Rights Leagues.
- The case against the commander of the 7th Anti-Crime Brigade and others prosecuted by the government prosecutor's office for the torture of a young person in Kakimbo in 2016, on the basis of a complaint filed by the Guinean Organization for Human Rights and Mêmes Droits pour Tous with support from the International Federation for Human Rights Leagues.

96. The new Act on maintaining public order in the Republic of Guinea, which was adopted on 2 June 2015 by the National Assembly, also contains provisions on all forms of abuse and violations of the physical and moral integrity of citizens. To that end, article 5 of the Act stipulates that the use of force is to be exercised strictly within the framework of the legal and regulatory provisions governing it. Article 24 establishes the criminal and disciplinary liability of the commander of the security forces if the commander refuses to respond to a request for assistance or a lawful requisition or responds to a request for assistance or a requisition that is unlawful.

97. Article 31 of the Code of Conduct of the Defence Forces stipulates that personnel of the defence forces must not engage under any circumstances in any of the following: murder; torture; corporal punishment; rape; mutilation; any form of cruel, inhuman or degrading treatment or punishment (such as flogging, beating or caning); hostage-taking; collective punishment; or any other acts that violate a person's physical and/or psychological integrity or their well-being.

Article 8: Prohibition of slavery, the slave trade and institutions and practices similar to slavery

98. Guinea has ratified a number of international legal instruments on this subject, including:

- The Convention on the Rights of the Child (1989), ratified on 10 August 1990
- The International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 10 December 2001
- The ILO Minimum Age Convention, 1973 (No. 138), ratified on 10 December 2001

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), ratified on 10 December 2001
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), ratified on 10 December 2001
- The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption

99. Guinea also acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2004.

100. The provisions of all the aforementioned treaties relating to children's rights have been incorporated into the Children's Code, which was promulgated on 19 August 2008. Chapter V of the Code is entirely devoted to child labour. Articles 411 et seq. of the Code prohibit the use of children in the worst forms of labour and in a number of hazardous jobs. It also regulates children's access to employment, depending on their age, and protects them from exploitation and abuse. All these guarantees apply equally to all children, including foreigners. The Code prescribes harsh penalties for any employer, or an accomplice, who violates its provisions.

101. Articles 385 et seq. of the Children's Code stipulate that the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation will be considered to be a form of human trafficking. The articles establish harsh penalties for any perpetrator of such an offence, from 3 years' imprisonment to life imprisonment, as well as additional penalties and heavy fines, depending on the circumstances under which the offence was committed. Complicity in and attempts to commit such acts are also subject to sanctions. Articles 392 et seq. of the Code introduce a mechanism to protect child victims and witnesses of human trafficking.

102. The Children's Code also punishes the acts of placing children in bondage and servitude (arts. 397 et seq.), encouraging children to beg (arts. 401 et seq.), and involving children in armed conflicts (arts. 429 et seq.).

103. In addition, articles 323 et seq. of the new Criminal Code punish the offence of human trafficking under the same conditions, as well as complicity in and attempts to commit such acts. Further, the Code provides for the punishment of acts of human trafficking committed by legal persons.

104. Lastly, the Criminal Code also punishes the smuggling of migrants (arts. 334 et seq.), the placement of human beings in bondage (arts. 341 et seq.), the exploitation of begging by others (arts. 343 et seq.), and procurement (arts. 346 et seq.).

105. For example, four cases of human trafficking were tried and convictions handed down by the court of Mafanco between 2016 and 2017. Three cases of procurement involving some 10 persons were tried and convictions handed down by the court of Dixinn in 2017.

106. A people-smuggling network composed of Guineans and foreigners was dismantled in September 2017 by the security intelligence services.

107. Despite the progress achieved in the legislative and regulatory spheres, the exploitation of and begging among children remains a critical concern in Guinea.

Article 9: Liberty and security of person (arrest and detention)

108. Article 1 (10) of the new Code of Criminal Procedure stipulates that liberty is the rule and detention is the exception. Thus, the deprivation of liberty is recommended only as a last resort and only in three specific situations:

- In the case of persons arrested while committing a crime or offence, the criminal investigation officer may, in accordance with articles 63 et seq. of the Code of

Criminal Procedure, prohibit any person from leaving the scene of the crime until the investigation has been completed. The officer may summon and hear any individual who may be able to provide information regarding the facts of the case or the objects and documents seized during the investigation.

- During the preliminary investigation, pursuant to articles 85 et seq. of the Code of Criminal Procedure, only a criminal investigation officer may place a person in police custody, either on their own initiative or as instructed by the public prosecutor. The restraint measure imposed on a person for whom there are one or more plausible reasons for suspecting that they have committed or attempted to commit a crime or an offence punishable by a prison sentence must be the only means of achieving at least one of the following objectives:
 - To enable the investigations to be carried out, when the person's presence or participation is required
 - To ensure that the person is brought before the public prosecutor, so that this magistrate can determine what action to take in follow-up to the investigation
 - To prevent the person from tampering with the evidence
 - To prevent the person from pressuring witnesses or victims or their family members or relatives
 - To prevent the person from communicating with other individuals who may be principals or accomplices
 - To ensure the implementation of measures to stop the crime or offence

109. Pursuant to article 87 of the Code of Criminal Procedure, the duration of custody must not exceed 48 hours. This period may be extended for a further 48 hours, however, under a substantiated written order from the public prosecutor, if the act that the person is suspected of having committed or attempted to commit is a crime or offence punishable by imprisonment of not less than 1 year and if extending the measure is the only way of ascertaining the truth.

110. Article 134 (3) of the Code of Criminal Procedure stipulates that the time limits mentioned above may be doubled:

- In the case of crimes and offences against the fundamental interests of the nation
- For all crimes and offences committed during a state of siege or a state of public emergency
- For the offences of drug trafficking, money-laundering and the financing of terrorism

111. The three grounds for doubling listed above are not cumulative, however.

112. With regard to identity checks, article 135 of the Code of Criminal Procedure states that any person located within the national territory must agree to undergo an identity check carried out under the established conditions by criminal investigation police officers. In addition, articles 137 et seq. of the Code of Criminal Procedure stipulate that individuals who refuse to or are unable to prove their identity must remain, if necessary, at the place where the check was made or in the police station where they are taken to verify their identity. They are immediately brought before a criminal investigation officer, who gives them the opportunity to provide, by any means, evidence to establish their identity, and who, if necessary, takes appropriate measures to verify the individual's identity. The officer immediately informs them of their right to notify the public prosecutor of the verification measures to which they were subjected and to inform, at any time, a family member or any other person of their choosing. If special circumstances so require, the criminal investigation officer personally informs the family member or the chosen person. If the individual is a minor, the public prosecutor must be informed of their detention from the outset. Unless it is impossible, the minor must be assisted by their legal representative. Individuals who are subjected to verification measures may be detained only for the length of time that is strictly required to establish their identity. The detention may not exceed four

hours counting from when the identity check was carried out pursuant to article 136 of the Code of Criminal Procedure, and the public prosecutor may end the detention at any time.

113. Article 90 of the new Code of Criminal Procedure strengthens the guarantees of respect for the rights of persons in police custody. The person in custody is immediately informed by a criminal investigation official or an officer under the official's command, in a language that they understand:

- Of their placement in police custody, the duration of their custody and the extension(s) to which it may be subject, the charges against them, the date and location of the alleged offence that they are suspected of having committed or attempted to commit, and the grounds for their placement in police custody; and of the fact that they hold the following rights:
 - The right to notify a close relative and their employer and, if they are a foreigner, the consular authorities of their State of nationality; the right to be examined by a doctor, the right to be assisted by a lawyer, or, where appropriate, the right to be assisted by an interpreter
 - The right to consult, as soon as possible and, at the very latest, before the possible extension of the custody period, the proceedings of the hearing, their medical certificate, etc.
 - The right to submit comments to the public prosecutor or, where appropriate, to the examining judge, when the latter decides on the possible extension of custody, with a view to ending the custody. If the person is not brought before the judge, they may communicate their observations orally in a transcript of the hearing, which is submitted to the judge before the latter decides whether to extend the custody. They are also informed of their right, during the hearing and after they have stated their identity, to make statements, answer the questions asked of them or remain silent

114. If the person is hearing impaired and does not know how to read or write, they must be assisted by a sign language interpreter or by any qualified person who has a good command of a language or a method that can be used to communicate with the person.

115. In practice, however, it must be acknowledged that most government services do not have sign language specialists at their disposal. This is a challenge that could result in a violation of the rights of accused persons.

Article 10: Treatment of persons deprived of their liberty

116. The Constitution guarantees that “no one may be arrested, detained or convicted other than under a law promulgated prior to the commission of the acts of which they are accused, and for the reasons and in accordance with the procedures prescribed by law” (art. 9 (1)).

The Prison Service

117. In accordance with the provisions of articles 1048 et seq. of the new Code of Criminal Procedure, persons who have been formally charged, detained persons and persons subject to pretrial detention are held in prisons. There is a prison close to each court of first instance and appeal court.

118. Persons who have been formally charged, detained persons and persons subject to pretrial detention are placed in individual cells. Exceptions may be made only under the following circumstances:

- If the person concerned requests otherwise
- If, in the light of their personality, it is in their best interests not to be left alone
- If they have been allowed to work or to undertake vocational or academic training and if organizational needs make it necessary

119. In cases where persons who have been formally charged, detained persons and persons subject to pretrial detention are placed in common cells, the cells must be adapted to the number of detained persons housed therein. The detainees must be suited to living together peacefully. Their safety and dignity must be ensured.

120. In practice, the reality is very different. Guinea has a total of 8 central prisons, including 5 that are under the jurisdiction of the Conakry court of appeal and 3 that are under the jurisdiction of the Kankan court of appeal, as well as 23 civilian prisons, including 13 under the jurisdiction of the Conakry court of appeal and 10 under the jurisdiction of the Kankan court of appeal, adding up to a total of 31 prisons.

121. The majority of prefectures, where justices of the peace are posted, have a civilian prison, with the exception of Macenta in Guinea Forestière, Mandiana in Haute-Guinée and Koubia and Tougué in Moyenne-Guinée. Within each administrative region there are custody cells where persons may be placed in custody at regional police headquarters, central police stations, urban police stations, the mobile security intervention unit, regional gendarmerie stations, local gendarmerie units and the office of the mobile gendarmerie squadron. Other prefectures have custody facilities only in police and gendarmerie stations.

122. A common feature of these detention establishments is that almost all of them were built during the colonial period or during the first years of independence and were intended for a very limited number of prisoners. In addition to being dilapidated, these establishments are, for the most part, operating well above their true capacity level. For example, in Conakry central prison, which is the largest prison in the country, there were a total of 1,573 detained persons in 2017, whereas its buildings were constructed to accommodate some 300 persons.

123. With regard to care, the only psychiatric institution for detained persons in need of psychological and medical care is the Donka academic hospital located in Conakry. This situation makes it difficult to assess and care for detained persons in the prefectures.

124. In order to improve the prison service, the Government recently promulgated two important new decrees:

- Decree No. D/309/SGG/PRG/2016 of 31 October 2016 establishing the legal regime governing prisons
- Decree No. D/310/SGG/PRG/2016 of 31 October on the status of prison staff

125. Lastly, in recent years, the main provisions of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the United Nations General Assembly on 14 December 1990 (the Havana Rules), as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners, have been used as a reference by the National Commission on Criminal Law Reform.

The right to be treated with dignity

126. Article 5 of the Constitution affirms the “sanctity of the human person and human dignity” and requires the State to respect them.

The principle of separating different categories of detained persons

127. Pursuant to article 10 (2) and (3) of the Covenant and rule 8 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, detainees must be physically separated, taking into account their sex, age and criminal record, the legal reason for their detention and the requirements for their treatment. In addition, pursuant to the two decrees on the prison service mentioned above, prisons:

- Must be organized so as to ensure that different categories of prisoners are held in separate facilities or sections depending on their sex, status and age
- Must have a sufficient number of staff, who must be qualified, competent and respectful of human rights

128. It is important to acknowledge that there is no women’s prison in Guinea. Women are held in specific cells or sections within the various prisons.

129. As for minors, in the absence of specialized rehabilitation centres, minors in conflict with the law are detained in the same facilities as adults in most of the country's prisons, including in the Conakry central prison.

Right to health

130. Article 15 of the Constitution provides: "All persons have the right to health and physical well-being. The State has a duty to promote these and to combat epidemics and social ills."

131. Guinean prisons either contain health posts or are serviced by health-care staff who visit the detainees regularly, usually once a week or whenever a detainee's health so requires it. Unfortunately, the visits by the health-care staff are not regular. This constitutes a violation of the right of detainees and forces their families to pay for medical care for their detained family member.

132. The United Nations Standard Minimum Rules for the Treatment of Prisoners establishes the principle that "every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served".

133. It is important to acknowledge that, in police custody cells, suspects are fed either by their families or thanks to the solidarity shown by their fellow detainees, or sometimes thanks to the generosity of certain officers.

134. In prisons, the quality and quantity of food provided to prisoners is inadequate, and families contribute significantly to the feeding of their detained family members. The National Prison Service is responsible for providing food to persons detained in prisons.

135. In order to address this situation, the Government has taken steps with support from the International Committee of the Red Cross to improve the food in prisons. The International Committee of the Red Cross also regularly weighs and conducts medical examinations of detained persons and is providing considerable support to the prison service by distributing high-energy biscuits to prisoners with nutritional deficiencies.

Right to visits

136. The prison service regulates visits to prisoners and sets the days or hours for such visits as required.

Article 11: Prohibition of imprisonment for debt

137. Contractual obligations and resulting disputes are resolved or punished by the Civil Code and cannot result in imprisonment or other forms of deprivation of liberty.

138. Article 668 of the Civil Code states: "Agreements lawfully entered into take the place of law for those who have made them. They may be revoked only by mutual consent, or for causes authorized by law."

139. The penalty of imprisonment is provided for only in criminal cases. It is one of the possible penalties for violating criminal law.

140. While it is true that execution on the person is provided for in the Code of Criminal Procedure (art. 1161), it may be implemented only following a criminal conviction "in the event of voluntary failure to carry out one or more sentences to a fine, restitution, or payment of damages, interests and costs to the State or private individuals, handed down in criminal or summary proceedings for an offence punishable by imprisonment, including voluntary failure to carry out sentences involving the payment of tax or customs fines".

141. In this context, the executing officer may, under the conditions provided for in the Code of Criminal Procedure, order an execution on the person consisting of imprisonment for a period set by the officer that does not exceed the maximum set by law, depending on the amount or cumulative amount of the fine(s).

142. However, according to article 1163 of the Code of Criminal Procedure, execution on the person may not be implemented against persons who were minors at the time of the offence, or against persons over 65 years of age at the time of conviction. Nevertheless, imprisonment for debt remains a very common practice in police stations and gendarmeries.

Article 12: Freedom of movement

143. Article 10 (4) of the Constitution enshrines the principle that all citizens have the right to establish residence and travel throughout the territory of Guinea and to enter and leave it freely.

144. However, Act No. L/94/019/CTRN of 13 June 1994 setting the conditions for the entry and residence of foreign nationals in Guinea creates some restrictions on this principle. Article 3 of the Act stipulates that any foreigner entering Guinea must be in possession of a valid passport or a travel document serving as a passport, which must contain a visa.

145. In accordance with article 6 of the Act, the following persons may enter Guinea without a visa:

- Foreigners in transit who are aboard a ship or aircraft calling at a port or airport in Guinea or who are traveling overland through the national territory
- Foreigners who are nationals of countries that have entered into relevant reciprocal agreements with Guinea

146. Foreigners who meet the above-mentioned requirements may visit and reside in Guinea in accordance with such agreements without prejudice to the laws on the entry and residence of foreigners. One specific example is the implementation of the treaty establishing the Economic Community of West African States, which advocates freedom of movement for nationals of the member States and their possessions within the West African economic area enshrined in the treaty.

147. Foreigners who arrive in Guinea are subject to checks by the competent services at the border post where they entered, in accordance with the requirements in force. In addition to their visa, these checks may include other documents, such as:

- An international health card that is valid and recognized under international conventions or the laws and regulations in force
- An employment contract or any other document serving as an employment contract (for foreigners employed by the State of Guinea)
- Any documents required to carry out a professional activity (for foreigners who wish to be employed in the private sector)
- Proof that the person has the means to support themselves, their reasons for coming to Guinea and guarantees of their repatriation, including with regard to immigration laws and regulations

148. It should be made clear that, according to article 58 of Act No. L/94/019/CTRN of 13 June 1994 setting the conditions for the entry and residence of foreign nationals in Guinea, “no employer, whether they be a natural or legal person, may employ a foreigner in any capacity without prior authorization from the National Employment and Labour Office and from the authority responsible for monitoring foreigners”.

149. Articles 26 et seq. of the Act describe the types of residency available to foreigners wishing to settle in Guinea. They are divided into the following categories: foreign experts, foreign residents, foreign residents with special status, and refugees or stateless persons. They are required to obtain a long-term residency visa, a special identity card known as a “residence permit”, and a foreigner’s permit, where appropriate. The requirement to hold a residence permit is nevertheless waived for:

- Minors under 15 years of age accompanying their parents

- Foreigners who are nationals of countries that have entered into relevant reciprocal agreements with Guinea

150. Moreover, article 60 of the same Act provides: “Foreigners are free to end their residence and leave Guinea whenever they wish. However, they may do so only after being released from their legal and contractual obligations.”

151. To that end, articles 37 et seq. of Decree No. D/94/059/implementing Act No. L/94/019/CTRN of 13 June 1994 setting the conditions of entry and residence for foreign nationals in Guinea regulates as follows the normal exiting procedures for foreigners with temporary residence: such foreigners are free to leave Guinea upon presentation of valid travel documents if they have not exceeded the period set by their entry visa or an extension of that visa. Otherwise, their departure from the national territory will be granted in the form of a final exit visa or a returning exit visa placed inside their travel document. All foreign residents must hold an exit visa issued by the Department of Security in order to leave the territory of Guinea. The documents required for issuing such an authorization are: a request on plain paper or in a form issued by the Air and Border Police Directorate; a valid passport or other travel document; the foreigner’s identity card and, where appropriate, their foreigner’s permit; a tax passbook issued less than one month previously; and a certificate of no pending case issued less than one month previously.

152. Despite the fact that freedom of movement is guaranteed by the Covenant and the Constitution, hurdles involving red tape and the police are sometimes faced within the national territory.

Article 13: Expulsion of aliens

153. In accordance with article 64 of Act No. L/94/019/CTRN of 13 June 1994 setting the conditions for the entry and residence of foreign nationals in Guinea, notwithstanding foreigners’ recognized ability to voluntarily end their residence in Guinea before the expiration date of their residence permit, subject to the responsibilities they may incur as a result of the agreements they have entered into, the State authorities may legally terminate the residence of any foreign national, even if the person has entered and resided legally in Guinea, if exceptional circumstances so require or if the foreigner is declared an “undesirable person”.

154. In such cases, the relevant State authorities may take any of the following measures against the foreigner: refoulement, expulsion, house arrest or deportation.

155. The decision to expel a foreign national is taken by order of the Director General of National Security. Article 67 of the Act sets out the circumstances in which such a measure may be taken:

- If the administrative authorities consider that the presence of a foreign national in Guinea constitutes a threat to public order.
- If a foreign national has received a final sentence that includes a prison term for a crime or offence. The expulsion measure becomes enforceable only after the prison term has been served in full. The deadline set by the expulsion order begins on the prisoner’s release date.
- If the authorities refuse to issue or decide to withdraw a residence permit and a foreign national has not left the national territory within the prescribed time, unless the person concerned can demonstrate that their delayed departure is due to a case of force majeure.

156. The Guinean authorities may order foreign nationals to be escorted to the border, by a reasoned decision, in cases where:

- They cannot prove that they have entered the country lawfully
- They have stayed in Guinea beyond the prescribed time without a valid residence permit

- They have stayed in the country after the extension of their temporary visa has been refused

157. Article 69 of the Act sets out the categories of persons who cannot be subject to an expulsion decision.

158. The article provides that a foreign national is sometimes unable, for a valid reason, in particular if they are a political refugee, to return to another country. In this case, the Director General of National Security may issue an order to have the foreign national placed under house arrest if they have a fixed abode and require them to report to the police at regular intervals.

159. Article 70 of the Act provides that the public or judicial authorities may prohibit a foreign national from leaving the country “either because they have not complied with the legislation governing the residence of foreign nationals or because they are the subject of criminal proceedings”.

160. Thus, the Prosecutor General or the public prosecutor has the power to prevent a person strongly suspected of having committed a crime from eluding justice by leaving the country. In all other cases, the Director General of National Security alone has the authority to prohibit a foreign national from leaving the country for any reason that they think is justified.

161. Lastly, the Act prescribes penalties for foreign nationals staying unlawfully in the territory of Guinea. These penalties range from a prison term of between 1 month and 5 years and a fine of between 200,000 and 5 million Guinean francs, depending on the circumstances of the offence.

Article 14: Equality of all persons before the courts

162. The Constitution protects the right to equality before the courts. To that effect, article 1 provides: “The Republic of Guinea ... shall ensure the equality of all citizens before the law, without distinction as to origin, race, ethnicity, sex, religion or opinion. It shall respect all beliefs.”

163. This principle is reaffirmed in article 8, which stipulates: “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 their sex, birth, race, ethnicity, language or beliefs or their political, philosophical or religious views.”

164. In practice, until 2016, effective implementation of this right was lacking. The Code of Criminal Procedure, adopted by law in 1998, seemed adequate at that time, but it has since become obsolete. The role played by the magistrate’s courts has increasingly been criticized by Guinean citizens, who believe that it violates the principle of separation of the powers to prosecute, investigate and try cases, since these are all concentrated in the hands of the same judge. The existence of magistrate’s courts alongside the courts of first instance at the lowest level of the judiciary also violates the principle of the equality of citizens before the public justice system.

165. The assize court, which was the tribunal of the appeal court with jurisdiction to try crimes, was largely dysfunctional. It was said to be excessively slow and expensive. In the assize court, cases were tried by jury during sessions that were supposed to be held three times per year. Due to a lack of funding, however, the sessions were not regular. It was also said to violate the double-hearing principle enshrined in article 14 (5) of the Covenant.

166. The indictment division, which was a judicial authority of second instance, was one of the major causes of the delays in the administration of justice in Guinea. Cases would pile up within the division simply so that they could be examined for a second time; this became superfluous with the institution of the double-hearing principle.

167. Such delays also constitute a violation of another principle enshrined in the Covenant relating to the right of every person to be tried within a reasonable time.

168. For all these reasons, in order to further ensure the principle of equality of all persons before the courts, the Government has undertaken a thorough reform of national criminal law, resulting in the adoption in 2015, 2016 and 2017 of important pieces of legislation that are more in line with the international human rights instruments to which Guinea is a party. These include the new Act on the organization of the judiciary, the new Criminal Code, the new Code of Criminal Procedure and the new Code of Military Justice.

169. According to Act No. 019 of 13 August 2015 on the organization of the judiciary in Guinea, justice is administered throughout the country on behalf of the people of Guinea (art. 1).

170. An ordinary system of justice, or ordinary courts, and courts of special jurisdiction have been established to serve justice in Guinea:

- The ordinary courts are the Supreme Court, courts of appeal and courts of first instance
- The courts of special jurisdiction are the court of audit and the military court (art. 2)

171. With the establishment of new courts, the average distance travelled by a defendant in Guinea is now 50 km. The judge to population ratio is 1 judge for every 32,000 people, while the standard is 1 for every 10,000 people. The number of judges who are currently active in the courts is 276.

172. In accordance with the new Act on the organization of the judiciary, the 26 magistrate's courts were established as courts of first instance with jurisdiction over criminal matters. However, this change has been implemented for only five of them thus far.

173. The juvenile court that was dissolved has been replaced by special sections within each court of first instance.

174. Similarly, the need to bring courts closer to litigants has been taken into account, as well as the separation of the powers to prosecute and try cases.

175. In the same context, the Ministry of Justice has established the National Directorate for Access to Law and Justice along with community information centres and legal clinics in Conakry and in the interior of the country.

176. It is regrettable, however, that there are no administrative courts in Guinea, as there is only one justice system that handles both civil and administrative cases.

177. Moreover, legal assistance is limited by the high cost of lawyers' fees and the fact that litigants are living in poverty.

178. The dysfunctional nature of the judicial system encourages impunity and hinders the serving of criminal justice. The statistical data from the Conakry third court of first instance (in Mafonco) are quite illustrative of the weakness of the criminal justice system. This court has jurisdiction over the communes of Matam and Matoto, which together have 957,207 inhabitants. There are 15 police stations and 7 gendarmerie brigades within the court's jurisdiction. From 1 January to 31 December 2015, 992 criminal cases were referred to the court and 339 decisions were handed down. This means that justice was served in 34 per cent of cases, while international standards require 95 per cent.

179. The statistical data from courts in the interior of the country show similarly low percentages. For example, during the same period, the Dabola magistrate's court, which has jurisdiction over eight communes covering a total area of 6,350 km² and 165,616 inhabitants, received 74 cases and handed down decisions in 45 of them, or in 60.81 per cent of cases. The Gueckedou magistrate's court covers an area of 4,400 km² and a population of 291,823 inhabitants. During the same period, that court received 136 criminal cases and issued decisions in 110 of them, or in 80.88 per cent of cases. Also during the same period, the Forécariah magistrate's court received 175 criminal cases and issued decisions in 87 of them, or in 49.71 per cent of cases.

180. Another consequence of the dysfunctional nature of the criminal justice system is prison overcrowding (due to the duration of pretrial detention not being respected, loss of case files, retrieval difficulties, lengthy investigations, postponement of hearings, etc.) and

the absence of a criminal policy. The number of detained persons is relatively small in comparison with the country's total population.

181. However, this number greatly exceeds the prisons' capacities and is steadily increasing. There were 1,068 persons detained in the Conakry central prison in June 2013, 1,290 in February 2014 and 1,407 in January 2016, whereas the prison, which was built in 1933, has the capacity to hold 300. The number of untried prisoners is often disproportionately high. As at 28 January 2016, 953 of the 1,407 persons detained in the Conakry prison (67 per cent) were awaiting trial. As at the same date, the percentage of detainees committed for trial was: 72 per cent in Kankan, 52 per cent in Kindia, 25 per cent in Mamou, 50 per cent in Faranah, 69 per cent in Nzérékoré, 57 per cent in Labé and 80 per cent in Boké.

182. From 2009 to 2017, 180 judges, 200 registrars and approximately 80 justice officials were recruited, trained and deployed.

Article 15: Prohibition of ex post facto laws

183. The principle of non-retroactivity is enshrined in article 9 of the Constitution, which provides that "no one may be arrested, detained or convicted other than under a law promulgated prior to the commission of the acts of which they are accused, and for the reasons and in accordance with the procedures prescribed by law".

184. To facilitate the application of this principle in practice, book 1 of the Criminal Code containing general provisions reaffirms the principle as follows:

- "Only acts that constituted an offence at the time they were committed are punishable. Only sentences imposing penalties that were legally applicable at that time may be imposed.
- The new provisions shall apply, however, to offences committed before their entry into force and not yet subject to a final sentence in cases where they are less severe than the old provisions."
- The following laws are immediately applicable to the punishment of crimes committed prior to their entry into force:
 - Laws of jurisdiction and judicial organization, until a judgment on the merits has been issued in first instance.
 - Laws establishing the procedures and forms of prosecution.
 - Laws on the execution and enforcement of sentences.
 - However, in cases where the laws on the execution and enforcement of sentences include stricter measures, they are applicable only to convictions for acts committed after their entry into force.
 - The immediate application of the new law has no bearing on the validity of actions carried out under the old legislation. Execution of a penalty, on the other hand, ceases in cases where it was imposed for an act that ceases to be a criminal offence under legislation that post-dates the judgment.

Article 16: Recognition as a person before the law

185. Legal personality is guaranteed in Guinea. It begins at an individual's birth and ends with their death. Legal personality takes the form of a family name and one or more given names.

186. Articles 35 and 38 of the draft revised Civil Code currently under consideration by the National Assembly allows every person with a reasoned interest in doing so to change their given name or surname. Articles 242 and 243 of the Civil Code deal with the correction of any factual errors that may appear in certificates of civil status. The new provisions thus help to dispel confusion caused by such errors.

Article 17: Prohibition of arbitrary or unlawful interference in a person's private life

187. Article 12 of the Constitution states: "The home is inviolable. This inviolability may be infringed upon only in cases of serious and imminent danger, in order to diffuse a threat to public safety or to protect people's lives. Any other infringement or search may be ordered only by the judge or the authority established by law and in the manner prescribed by the law. Privacy of correspondence and communication is inviolable. Everyone has the right to privacy."

188. Criminal legislation (the Criminal Code and the Code of Criminal Procedure) punishes arbitrary or unlawful interference in a person's private life, home, correspondence and other communications, and also prohibits the removal of material or intellectual property.

189. To this end, the new Code of Criminal Procedure introduces a procedure regulating the interception of correspondence using telecommunications technology in Guinea. This may be ordered only by the examining judge as part of a judicial investigation. The decision to intercept communications must specify which communications to intercept, must indicate the offence that justifies the use of interception, and must specify the duration of the measure, which must not exceed four months. It can be renewed only under the same conditions with regard to the procedure and duration.

190. However, the powers of the examining judge are limited in this context:

- Under penalty of nullity, correspondence carried out with a lawyer in the exercise of the right of defence, or correspondence with a journalist that makes it possible to identify a source in violation of the law on freedom of the press, cannot be transcribed
- A parliamentarian's phone line may not be intercepted unless the examining judge informs the President of the Assembly of which they are a member
- A phone line in a lawyer's office or home may not be intercepted unless the examining judge informs the president of the Bar
- A phone line in a judge's office or home may not be intercepted without first informing the chief Justice or the Prosecutor General of the jurisdiction in which the judge resides

191. Moreover, the Code of Criminal Procedure introduces an innovation in the protection of natural persons with regard to the processing of their personal data, establishing the procedures to be followed when processing such data. Personal data may be processed only in the cases provided for by law, or if the person concerned has given their explicit consent. Safeguards and penalties are in place to counter any abuse in this regard.

192. The National Assembly of Guinea adopted Act No. L12016/036/AN of 28 July 2016 amending and supplementing certain provisions of Act No. 142005/01 TAN of 8 September 2005 on the postal service. The Act provides for, inter alia, harsh penalties against any operator of a public telecommunications network, any telecommunications service provider or any employee of the post office and telecommunications service that violates a user's private life, their personal data or the confidentiality of their telecommunication correspondence.

193. Nevertheless, a recent trend has developed whereby private images are published on social media networks. This new form of interference in private life involves, in particular, the theft and dissemination of images of a pornographic nature (such as in the Tamsir and Makhou sex tape case, in which a decision was handed down by the Kaloum court of first instance).

194. Mindful of the need to protect individuals and their images, the Government adopted Act No. L/2016/loi 037/AN of 28 July 2016 on cybersecurity and the protection of personal data and on mechanisms to combat cybercrime.

Article 18: Freedom of thought, conscience and religion

195. Article 1 of the Constitution provides that Guinea is a unitary, indivisible, secular, democratic and social republic. This principle of secularity does not in any way infringe the personal freedoms enshrined in title II of the Constitution, including the freedom of belief, the freedom of thought and the freedom to profess one's religious, political and philosophical views, which are guaranteed under article 7.

196. Islam is the religion professed by about 90 per cent of Guineans. Christianity takes second place. Animism is practised by a minority in all four geographical regions of the country. In this context, it is important to stress that all these religions coexist harmoniously and peacefully in Guinea. In various parts of the country, chapels and churches stand side by side with mosques. Within the Government, the General Secretariat for Religious Affairs ensures respect for the freedom of worship and coordinates all religious activities.

197. Hindering the freedom of worship is an offence punishable under the Criminal Code by 1 month to 5 years' imprisonment and a fine of 50,000 to 500,000 Guinean francs, depending on the seriousness of the circumstances in which the act was committed. This includes:

- Using actions or threats to coerce or prevent one or more persons from exercising a form of worship, attending a worship service, celebrating religious holidays, and observing days of rest and worship, including by opening or closing workshops, shops or stores and by performing or not performing certain types of work
- Preventing, delaying or interrupting worship services by creating disturbances or disorder in a place that is a designated place of worship or that was being used at the time of the events as a place of worship
- Desecrating places that are designated places of worship or that were being used at the time of the events as places of worship; desecrating objects of worship in a place that is a designated place of worship or that was being used at the time of the events as a place of worship
- Insulting or striking a minister of a religious group in the performance of their duties
- Provoking or attempting to provoke acts of intolerance among people of different religions or religious sects

198. Despite this wide array of laws, it should be acknowledged that some cases of interreligious violence have been reported, particularly in the cities of N'zérékore in 2013 and Lola in 2015. Unfortunately, such cases of violence have rarely resulted in convictions.

Article 19: Freedom of opinion and expression

199. Respect for freedom of expression and assembly in accordance with African and international human rights treaties has already been incorporated into the Constitution, the Organic Act on the High Communications Authority, the Criminal Code, the Code of Criminal Procedure, the Military Code and the legislation decriminalizing press offences.

200. The principle of freedom of opinion, freedom of expression and freedom of the press holds constitutional rank in the Guinean legal system. The High Communications Authority and the Supreme Court subsequently ensure the exercise of these freedoms by citizens. Some 100 private press agencies are freely operating on the ground.

201. The media and citizens openly criticize the Government and State authorities. In the past, the State press agencies, such as the Horoya newspaper and national radio and television stations, generally covered only the activities of State authorities but have gradually made room for more opposing views.

202. It should be acknowledged that isolated cases of violations of these rights have occasionally been reported, including arrests of journalists (in previous years), equipment seizures, and suspensions of broadcasts, journalists or publications.

203. The press and printing presses operate in freedom. There are currently 43 independent radio stations and a large number of newspapers contributing to the expression of this freedom. Act No. L/2010/02/CNT of 22 June 2010 revising Act No. L/91/005/CTRN of 23 December 1993 regulates the freedom of the press. Regulations set out the conditions for the establishment of private radio and television companies.

204. In the interior of the country, 23 community and rural radio stations broadcast community-based programmes and information in national languages.

205. With regard to the written press, newspapers have also proliferated, including public and private daily, weekly, fortnightly and monthly publications. The satirical publication *Le Lynx*, the newspaper *La Lance*, *l'Indépendant*, *la République*, *le Démocrate*, etc. and online media (*Guineenews*, *aminata.com*, *conakrylive*, etc.) now clearly illustrate the exercise of the freedom of expression in Guinea.

206. The international press is also accredited and disseminates information without any restriction (including RFI, BBC, *Jeune Afrique*, *Africa Internationale*, etc.).

207. However, many young journalists work in private radio stations without pay and without any form of social security coverage.

208. Also, journalist Mohamed Koula Diallo of the informational website *Guinea7.com* was regrettably murdered in the performance of his duties. His case is pending before the Kaloum court of first instance. In addition, journalist Cherif Diallo from *Espace FM*, which is part of the HADAFO media group, has disappeared under unclear circumstances.

Article 20: Prohibition against propaganda for war and against incitement to national or religious hatred

209. The Criminal Code criminalizes any propaganda for war and any advocacy of national, racial or religious hatred (arts. 874, 952, 953 and 963). It classifies incitement to racial hatred as a war crime.

210. Title 2, article 5 of the Constitution deals with practices of apartheid and other inhuman or degrading practices based on racial discrimination that involve violations of personal dignity and result in death or cause serious harm to a person's physical body or health.

Article 21: Right of peaceful assembly

211. Article 10 (1) of the Constitution protects the right of peaceful assembly, providing that "all citizens have the right to participate in demonstrations and processions".

212. The current legal framework is set out in articles 621 et seq. of the Criminal Code and in Act No. 2015/009/AN of 4 June 2015 on the maintenance of public order.

213. In accordance with these two laws, notification of any meeting held in a public place must be given in writing to the local authorities three days in advance, except for meetings that are part of local social practices (such as religious, sports or traditional events).

214. The exercise of the right to freedom of peaceful assembly is subject to a prior notification procedure, which allows the Guinean authorities to facilitate the exercise of this right and to take measures to ensure security and to preserve public order and the rights and freedoms of others.

215. The act of organizing a prohibited meeting or one for which notification has not been given is punished by articles 625 to 638 of the Criminal Code. However, heavy-handed measures are often used during demonstrations, particularly those of a political nature, and this frequently leads to loss of human life and significant material damage. There are several reasons why these situations occur:

- On the one hand, there is a lack of training for officers of the defence and security forces, particularly with regard to maintaining public order, and this results in disproportionate reactions
- On the other hand, there is a lack of civic-mindedness among certain individuals who damage public and private property and attack other citizens

216. However, the Criminal Code and the Act on maintaining public order provide that certain meetings can be prohibited and dispersed on vague grounds that can easily be misused, for example, if the meeting “might disturb the public peace” or if the authorities believe that just one person is carrying or concealing a weapon.

217. Article 629 of the Criminal Code establishes a penalty of 3 to 6 months’ imprisonment and/or a fine of 500,000 to 1 million Guinean francs against a person who is not carrying a weapon and who continues to voluntarily participate in a gathering after being warned not to do so.

Article 22: Freedom of association

Right to join a trade union

218. Article 10 of the Constitution guarantees the freedom of assembly and the freedom to hold peaceful demonstrations, the freedom of association and the freedom to join a trade union or a political party. The conditions for exercising these freedoms are set out in the corresponding legislation.

219. Article 20 of the Constitution states: “Everyone has the right to join the trade union of their choosing and to defend their rights through union action. Every worker has the right to participate, through representatives, in determining working conditions. The right to strike is recognized. It is subject to relevant legislation. It may not under any conditions undermine the right to work.”

220. In addition, articles 321.1 and 321.2 of the Labour Code requires the State and employers to promote the freedom of association among workers at all levels of social dialogue in the private, formal, informal and public sectors, among others, by recognizing a workers’ right to choose whether or not to join a trade union or participate actively in union activities.

221. Therefore, workers may freely, without prior authorization, form a union in the geographical area of their choosing to defend and safeguard their individual and collective rights as workers. They may join a trade union in an enterprise, a community, a prefecture or a region, even if one or several trade unions already represent workers plying the same trade or working in the same industry.

222. There are currently several trade unions, including the National Confederation of Guinean Workers, the Trade Union of Guinean Workers, the Free Trade Union of Teachers and Researchers in Guinea, and the Trade Union Federation for Workers in Guinean Banks and Insurance Companies.

223. The Labour Code protects the rights guaranteed by the international labour conventions ratified by Guinea and the rights enshrined in the main ILO conventions, which include:

- The freedom of association and effective protection of the right to organize and engage in collective bargaining
- The prohibition of all forms of forced labour
- The effective elimination of child labour
- The prohibition of discrimination in employment and occupation

Article 23: Protection of the family

224. Protection of the family is guaranteed by article 18 of the Constitution, which provides: “Marriage and the family, which constitute the natural foundation of life in society, are protected and promoted by the State. Parents have the right and duty to ensure the education and physical and mental health of their children. Children owe the duty of care and assistance to their parents.”

225. Articles 319 and 320 of the new Criminal Code prohibit forced and early marriage and establish penalties ranging from 3 months to 1 year’s imprisonment and/or a fine of 500,000 to 2 million Guinean francs, without prejudice to the payment of damages.

226. In addition, articles 321 and 322 of the Code set out harsh penalties for engaging or attempting to engage in sexual relations with a child under 16 years of age who has been married by force or by customary law. This practice is punishable by a term of 2 to 5 years’ imprisonment and/or a fine of 500,000 to 3 million Guinean francs, without prejudice to the payment of damages.

227. Lastly, article 268 of the Guinean Children’s Code provides that “boys and girls under 18 years of age are not allowed to enter into marriage”.

228. There are difficulties with the implementation of these laws in practice. A number of girls are given into marriage, causing them to leave school, for various reasons:

- To strengthen ties of friendship between different families or communities
- To prevent them from falling into a life of debauchery
- For economic, cultural or other reasons

229. Several awareness-raising campaigns have been carried out to combat this practice. The innovations introduced by the new Criminal Code are also in the process of being publicized in order to strengthen the criminal justice system’s response to the practice of early and/or forced marriage.

230. As for polygamy, despite its prohibition in the Civil Code, it remains a widespread practice in Guinea and is not penalized.

Article 24: Protection of the child

231. Guinea is a party to a number of international instruments on the rights of the child. In particular, it ratified the Convention on the Rights of the Child by Order No. OIO/PRG/SGG of 17 March 1990 and promulgated it on 10 April 1990.

232. In order to serve the best interests of the child, Guinea adopted Act No. 1/2008/01 VAN of 19 August 2008 establishing the Guinean Children’s Code.

233. In addition, a number of child protection mechanisms and organizations have been established, including:

- The Guinean Committee for Ensuring the Protection of Children’s Rights, established by Presidential Decree No. OI/PRG/SGG of January 1995. Composed of representatives from several ministries, in 2014 it was renamed the Guinean Committee on the Protection of Children’s Rights and placed under the aegis of the Ministry of Social Action, the Advancement of Women and Children’s Affairs.
- The unit for coordinating actions to support minors in conflict with the law, which comprises government departments (the National Directorate for Children; the National Office for the Protection of Gender, Children and Morals; the Conakry juvenile court; and the National Prison Service), United Nations agencies (the United Nations Children’s Fund (UNICEF) and OHCHR) and NGOs (Terre des Hommes, ChildFund International, Plan International, SOS Mineurs, Sabou-Guinée, the Community of Sant’Egidio, etc.).

- The National Committee to Combat Human Trafficking and Similar Practices, which is under the aegis of the Ministry of Social Action, the Advancement of Women and Children's Affairs and comprises government departments and NGOs.
- The Standard Mechanism for Child Protection, which is a mechanism that covers all levels of administration. At the central level, there is the Guinean Committee on the Protection of Children's Rights, and at the regional level there are the regional coordination offices for child protection. The latter are made up of several prefectural committees for child protection. These prefectural committees, for their part, comprise local councils for child protection at the commune level, and there are also local councils for children and families at the neighbourhood and district levels. The framework document of the Ministry of Social Action, the Advancement of Women and Children's Affairs, drafted in 2014 for this purpose, also incorporated into this framework at the village and sector levels the village or sector councils for child protection. These councils have largely been established and made operational in villages and sectors affected by Ebola.

234. At the State level, the key government agencies for child protection are:

- The National Directorate of Preschool Education and Child Protection, which in 2014 was renamed the National Directorate for Children. This is the main public entity responsible for children's affairs. It is one of the three directorates of the Ministry of Social Action, the Advancement of Women and Children's Affairs.
- The National Directorate for the Advancement of Women and Gender, which is the directorate within that Ministry that is responsible for issues affecting women, including girls.
- The National Office for the Protection of Gender, Children and Morals, which is a department of the Ministry of Security and Civil Defence. It is responsible for coordinating investigations into all types of violations of children's and women's rights, and for exchanging and disseminating, throughout the country and beyond, data on the identity of the perpetrators and accomplices of such violations.
- The Criminal Investigations Directorate, which is a unit of the National Gendarmerie. Its Child Protection Division is responsible, along with the National Office for the Protection of Gender, Children and Morals, for investigating violations of children's rights.

235. Judicial protection of children is ensured by the following elements of the juvenile justice system:

- The juvenile judge
- The juvenile division
- The special juvenile chamber of the appeal court

236. With the adoption of Act No. 2015/019/AN of 13 August 2015 on the organization of the judiciary in Guinea, the juvenile assize court was abolished. Now, jurisdiction to try all crimes committed by children is held by the children's sections of the courts of first instance. However, these courts are not yet operational, and many minors who fall within their jurisdiction have been awaiting trial for several years.

Child labour: legislation and policy on protection against child labour

237. There are several laws that regulate child labour and protect children from the worst forms of child labour. These include the Constitution, the new Labour Code, ministerial orders on child labour and apprenticeship contracts, and the Children's Code, article 411 of which provides that "employers are prohibited from using children to carry out work disproportionate to their capacities or likely to have a negative impact on their education, health or physical and moral development".

238. The worst forms of child labour are prohibited. These include:

- All forms of slavery or similar practices

- Any work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

239. Article 419 of the Code sets the age of admission into apprenticeships at 14 years. According to this article, upon authorization from a labour inspector, this age may be reduced to 12 years for light domestic work and light work that is not of an industrial nature.

Child trafficking and smuggling

240. Articles 323 et seq. of the new Criminal Code condemn child trafficking and smuggling.

241. Children contribute to the family income and are used, usually by their parents and Koranic teachers, as workers in gold-mining areas or in the fields and plantations. The Government has taken several initiatives to effectively combat child trafficking and smuggling, including:

- The conclusion of a cooperation agreement with Mali on 16 June 2005 to combat child trafficking. An agreement of this type has not yet been concluded with Senegal.
- The conclusion of a multilateral cooperation agreement to combat child trafficking between Guinea and eight other States in the region, namely Benin, Côte d'Ivoire, Liberia, Burkina Faso, Niger, Mali, Togo and Nigeria, on 25 July 2005 in Abidjan.
- The conclusion of a multilateral cooperation agreement to combat trafficking in women and children in West and Central Africa on 6 July 2006 in Abuja.
- The establishment of a regional standing committee to monitor the implementation of each of the three aforementioned agreements, made up of government and civil society organization representatives.
- The adoption of Act No. 14/2008/01 VAN of 19 August 2008 establishing the Guinean Children's Code, articles 385 et seq. of which define and severely punish child trafficking, as well as other related offences such as placing children in bondage or servitude, abducting and selling children, encouraging children to beg and engaging in child labour.
- The establishment of an intersectoral committee on international adoption, under the authority of the Ministry of Social Affairs, the Advancement of Women and Children's Affairs, on 8 January 2013.
- The establishment of the National Committee to Combat Human Trafficking and Similar Practices, which is under the aegis of the Ministry of Social Affairs, the Advancement of Women and Children's Affairs.

242. In practice, many children are victims of trafficking and smuggling, and the Government, through the police and gendarmerie forces, including the National Office for the Protection of Gender, Children and Morals and the Child Protection Division of the Criminal Investigations Directorate of the National Gendarmerie, leads the fight against child trafficking and smuggling in collaboration with national and international NGOs (Sabou-Guinée, the Terre des Hommes Foundation in Lausanne, Switzerland, etc.) and UNICEF. Arrests are often made, but few cases of child trafficking or smuggling have resulted in convictions by the courts.

243. The Ministry of Social Action, the Advancement of Women and Children's Affairs has conducted awareness-raising campaigns against child trafficking and smuggling in certain parts of the country, notably in Koundara in July 2016.

Birth registration

244. In accordance with articles 157 to 160 of the Guinean Children's Code, births are to be declared to the registrar within six months at the place of birth. In some circumstances, this period is increased to eight months. The father, as the head of the household, is responsible for making the declaration. Alternatively, doctors, midwives or other persons present at the time of the birth can declare the birth of a newborn.

245. At present, the birth registration process, the care given to the storage of records and the rate of registration are all unsatisfactory. Many births are not immediately registered, particularly in rural areas, where registration services are limited and parents are often unaware that registration is mandatory.

246. In 2014, the number of unregistered children was estimated at 2.49 million, and the number of children without birth certificates was estimated at 3.46 million.

247. To address this situation, the Government of Guinea, with the support of its partners, has taken three lines of action:

- The first line of action: the programme established in November 2013 to create a road map for the modernization of the civil registry, including the birth registration process.
- The second line of action: improving birth registration services at the community level by training stakeholders, providing materials and organizing campaigns for the provision of birth registration services in rural areas. It is in this context that the administrative authorities, in collaboration with UNICEF, organize ad hoc birth registration campaigns and regularization campaigns whereby birth certificates are issued retroactively. Village registries have been produced and distributed to rural communities so that they can register children at birth.
- The third line of action: strengthening information and awareness-raising campaigns for communities on the importance of birth registration through the local branches of the national child protection system.

Cutting

248. The Convention on the Rights of the Child, which Guinea ratified on 10 April 1990, and more specifically articles 19 and 24 (3) of that Convention, require States to take all necessary measures to protect children from all forms of physical or mental violence and ill-treatment.

249. Similarly, under article 21 (1) of the African Charter on the Rights and Welfare of the Child, which Guinea ratified in July 1999, States parties have an obligation to “take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular: (a) those customs and practices prejudicial to the health or life of the child; and (b) those customs and practices discriminatory to the child on the grounds of sex or other status”.

250. Article 6 of the Constitution guarantees the right to respect for one’s physical and psychological integrity, and article 8 enshrines the principle of equality and non-discrimination.

251. The first piece of legislation explicitly prohibiting female genital mutilation, including cutting, was the Criminal Code of 1969, article 265 of which prohibits all forms of genital mutilation of men (castration) and women (cutting) under penalty of life imprisonment. In July 2000, a law on reproductive health reaffirmed this prohibition.

252. Female genital mutilation/cutting is prohibited by Act No. L/2008/01 VAN of 19 August 2008 establishing the Guinean Children’s Code and Act No. 059 of 26 October 2016 establishing the Criminal Code. These two laws set out a penalty of 3 months to 5 years’ imprisonment. They also provide for 5 to 20 years’ rigorous imprisonment if the mutilation results in disability or the death of the victim.

253. In November 2010, the Government, acting through the Ministry of Social Action, the Advancement of Women and Children’s Affairs, issued five joint sectoral orders to implement the law prohibiting female genital mutilation, including a joint order (Order No. 2464) prohibiting the practice of female genital mutilation/cutting in public and private health-care facilities in Guinea.

254. In 2011, the Ministry of Security and Civil Defence restructured the National Office for the Protection of Gender, Children and Morals and set up branch offices of this institution in the central police stations in each of the eight administrative regions of the

country, as well as offices in a large number of police stations in the capital and in the interior of the country, to ensure the expeditious treatment of cases of violence against women and children, including female genital mutilation/cutting. Capacity-building within the National Office for the Protection of Gender, Children and Morals (in the form of training and equipment) has made it possible to arrest and bring to justice suspected perpetrators and accomplices in cases of female genital mutilation and cutting.

255. In 2011, under the aegis of the Ministry of Social Action, the Advancement of Women and Children's Affairs, a national multisectoral coordinating committee to combat female genital mutilation was established, bringing together all key stakeholders (including the Government, technical and financial partners and civil society). The committee's objectives are to facilitate the mobilization of resources to implement the national strategic plan, establish national policies, develop a national strategy that includes a mapping out of actions to be taken, launch and validate studies and surveys on promoting the elimination of cutting, and monitor and evaluate the impact of actions to encourage the elimination of female genital mutilation/cutting.

256. In 2012, the Government, in collaboration with national and international partners, developed a national strategic plan for the elimination of female genital mutilation for the period 2012–2016, along with a road map for implementing the plan in 2013. The Ministry of Justice has held a number of workshops and training sessions for judges on issues relating to female genital mutilation/cutting. From 2012 to 2014, more than 800 criminal investigation officers (including both gendarmes and members of the police force) and judges were made aware of the problem.

257. With regard to medical care, the Government has made efforts in recent years to train and raise awareness among medical and paramedical staff, as well as in medical schools. In 2013, following an intensive training and awareness-raising campaign that targeted health-care professionals and was organized by the Government and partner agencies in the United Nations system, 250 health-care workers made a solemn commitment not to perform female genital mutilation/cutting and to denounce their colleagues who engaged in the practice. The campaign covered eight medical schools in the country, and in 2013 a module on female genital mutilation/cutting was added to the curriculum for medical students.

258. In March 2013, the Bernard Kouchner Centre was inaugurated by the President of the Republic together with the donor. One of this hospital's specializations is the handling of cases of female genital mutilation/cutting, including operations to remedy the harmful effects of cutting. In 2013, the John Paul II Centre for Training in Applied Social Sciences provided comprehensive care (surgical, medical and psychosocial care) for 80 women suffering from obstetric fistula, 20 of whom received socioeconomic reintegration support.

259. In 2015, 150 midwives, nurses and medical workers throughout the country received training on preventing and providing medical care in cases of female genital mutilation/cutting.

260. In the area of education, an important achievement made in the effort to raise awareness in schools about female genital mutilation/cutting was the creation in 2015 of a set of illustrations on female genital mutilation/cutting for use in primary schools.

261. Also in 2015, the Ministry of Social Action, the Advancement of Women and Children's Affairs conducted a socio-anthropological study on the reasons why female genital mutilation/cutting continues to be practised in Guinea. A database has been set up within the Ministry to help monitor and evaluate actions taken with regard to female genital mutilation/cutting.

262. The Government has also organized other training and awareness-raising campaigns targeting local authorities, traditional and religious leaders, traditional communicators, storytellers and artists, including poster campaigns, television spots and radio broadcasts in French and national languages.

263. The 116 hotline was opened to report persons who perform cutting.

Article 25: Right to take part in the conduct of public affairs and to have access to public service

264. Article 2 of the Constitution states: “National sovereignty belongs to the people and is exercised by the people through its representatives or by referendum.”

265. Suffrage is universal, direct, equal and secret.

266. Under the conditions set out by law, all adult citizens of Guinea of either sex who are in possession of their civil and political rights may vote.

267. Elections are organized and supervised by an independent electoral supervisory commission.

268. Any law, regulation or administrative act that is contrary to these provisions is to be considered null and void.

269. Participation in the conduct of public affairs is guaranteed to citizens in the Constitution, article 7 (5) of which establishes the principle of accountability by stating that “the right of access to public information is guaranteed to all citizens, the Local Governance Code”.

270. The Constitution guarantees a full multiparty system, and an organic law establishing the political parties charter regulates the conditions for the establishment and functioning of political parties. Pursuant to article 3 of that law, political parties contribute to the political education of citizens, the facilitation of political life and the exercise of the right to vote. They put forward candidates only in national elections.

271. There are currently 164 political parties in Guinea.

272. Presidential elections were held in 2010. In the second round of voting, the candidates were Cellou Dalein Diallo (who won 48 per cent of the vote) and Alpha Condé (who won 52 per cent).

273. In 2013, 20 political parties participated in the legislative elections, 15 of which won seats in the National Assembly.

274. Presidential elections were held in 2015, and eight candidates from different political parties ran in those elections, which saw an 82 per cent voter turnout.

275. It is regrettable that the electoral cycle for local elections has not been respected, as the most recent local elections were held in 2005. This can be explained by the functional and organizational difficulties faced by the body responsible for holding elections and the deficiencies in the Electoral Code and the Local Governance Code.

276. In order to address this situation, a political agreement was signed in October 2016 enabling the amendment of the Electoral Code (by Constitutional Court order) and the resolution of the crisis within the Independent National Electoral Commission (by Constitutional Court order). In doing so, a new process has been initiated with a timetable and a budget of 350 billion Guinean francs for holding local elections during the first quarter of 2018.

277. Article 8 (2) of the Constitution states that no one shall be afforded privileges or suffer disadvantage on account of their sex, birth, race, ethnic origin, language, or political, philosophical or religious beliefs and views.

278. This constitutional provision is supplemented by article 11 (2) of Act No. L/2001/028/AN establishing general regulations on the civil service, which stipulates that discrimination among civil servants on the grounds of their political, philosophical or religious views, union membership, gender or ethnicity is prohibited. No mention can be made in a civil servant’s personnel file of their views or activities with regard to politics, trade unions, philosophy or religion.

Article 26: Equality of all persons before the law

279. Article 8 of the Guinean Constitution states: “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 their sex, birth, race, ethnicity, language or beliefs or their political, philosophical or religious views.”

280. The Constitutional Court, in its judgment No. AC/023 of 15 June 2017 ordering that Organic Act No. 002/2017/AN of 24 February 2017 establishing the revised Electoral Code be brought into line with the Constitution, confirmed the principle of equality when it determined that criteria based on sex and age are contrary to the provisions of the African Charter on Human and Peoples’ Rights and article 8 (1) and (2) of the Constitution.

Article 27: Rights of ethnic, religious or linguistic minorities

281. Article 1 of the Constitution provides: “Guinea is a unitary, indivisible, secular, democratic and social republic. The State shall ensure the equality of all before the law without racial or ethnic discrimination ... French is the official language. The State shall ensure the promotion of the cultures and languages of the people of Guinea.”
