

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 39TH SESSION (NEW YORK, 23 JULY – 10 AUG 2007) GUINEA (COMBINED 4TH, 5TH, 6TH REPORTS)

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Information Submitted to the Committee

On 25 July 2007, the Republic of Guinea submitted its combined 4th, 5th, and 6th periodic reports¹ under the *Convention on the Elimination of All Forms of Discrimination Against Women* (the Convention), as well as written responses² to the list of issues and questions³ raised by the Committee on the Elimination of Discrimination against Women (the Committee). Ms. Hadja Fatoumata Tété Nabe, Minister for Social Affairs, led the Guinean delegation.

The Convention was signed by Guinea in 1980, and was ratified in 1982 with no reservations and one declaration.⁴ In July 2001, Guinea submitted its combined 1st-3rd periodic reports. Guinea informed the Committee that in the six years since its last report, the country has made incremental steps in addressing entrenched health and social issues pertaining to women such as HIV/AIDS, female genital mutilation (FGM) and maternal mortality.

Guinea's report provides information from the period of 1998 to 2002, presenting the report in two sections. Part I discusses general information on the status of women in Guinea. Part II is divided further into four sections; Part A deals with legal questions, Part B with political questions, Part C with economic questions, and Part D with social questions.

¹ <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

² <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

³ <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

⁴ <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>. The Declaration states that "the People's Revolutionary Republic of Guinea wishes to sign the Convention . . . with the understanding that this procedure annuls the procedure of accession previously followed by Guinea with respect to the Convention".

The delegation drew attention to both the extreme pressures and positive changes in the Government brought about by conflict in Guinea in 2000. The combination of the armed conflict in 2000 and pressures from refugees and internally displaced persons from neighbouring countries led to the deterioration of the economic and financial environment. Such a situation, the delegation stated, compounded poverty and particularly impacted women. However, this conflict, Ms. Nabe explained, also brought about a newly elected Government and Prime Minister who had the political will to make human and women's rights a national priority.

A shadow report submitted to the Committee⁵ by a coalition of non-governmental groups (NGOs) brought attention to several serious issues facing women as well as the lack of implementation of the Convention in the country. The institutional problems highlighted included the poor education of magistrates, judges and lawyers about the Convention's provisions; the lack of a professional structure in the Government to promote the status of women; the failure to adopt the revised civil code; the difficulties in integrating gender equality in various ministries; and the upsurge of violence against women and children along with the absence of a legal framework to deal with it. The shadow report calls for education within the Government and judiciary of the Convention's provisions, the effective development of government structures for the promotion and protection of women, the immediate adoption of the revised civil code which contains some of the suggested measures, the development of a legal framework to deal with trafficking and violence against women and girls, and the dissemination of information to educate women and girls who are victims of violence of their protective and legal options.

Guinea is a party to a number of international instruments including the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *Convention on the Rights of the Child*, and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.⁶

Themes and Issues⁷

Female Genital Mutilation (FGM)

Taking up the issue of FGM, many experts expressed surprise and deep concern that the practice was allowed to continue, affecting around 90 per cent of Guinean women and flying in the face of a July 2000 law⁸ prohibiting it. Questions focused on the impact of the law, including punishment for offenders. The delegation responded that some change had occurred following enactment of the new law. For example, the rate of the practice had decreased from 90 per cent to 87 per cent, one delegate explained. The delegation explained that halting the practice was a dynamic process that involved changing customs and habits over a long period of time.

The delegation's specialist on FGM underscored that Guinea understood the 'nefarious consequences' of the practice on women. Guinea had developed a national ten-year strategy for 'zero tolerance', which had involved every stratum of the population, including NGOs, the Ministries of Security and Justice, and religious representatives. The delegation specialist noted the need for plaintiffs to come forward, otherwise

⁵ *Rapport Altertaif des ong Sur L'application de la CEDEF en Guinee*, submitted on behalf of Coalition Nationale de Guinée pour les Droits et la Citoyenneté des Femmes (CONAG-DCF).

⁶ See <http://www.ohchr.org/english/law/index.htm>.

⁷ For a more detailed description of the dialogue between the Committee and the State, please see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1639.doc.htm>.

⁸ Center for Reproductive Law and Policy (CRLP) and RAINBO, *Female Genital Mutilation: A Guide to Laws & Policies Worldwide: Guinea* (2000).

trials and convictions could not occur. The delegation also noted that the perpetrators had no other source of livelihood and that efforts were needed to find them alternative work. One favourable outcome, the delegation highlighted, is that the procedures no longer take place in hospitals.

The Committee was notably concerned about the lack of government involvement in educating women about the dangers and horrors of female genital mutilation. The Committee also showed concern about what instruments existed to implement the 2000 law⁹ prohibiting FGM. The delegation noted the strength of the Muslim religious community in their country and the persistence of cultural and social taboos as being a major hindrance in the government's efforts to eliminate the practice. The Committee was very cautious, however, about the defence of FGM on the basis of religion, explaining that religion and culture could not justify a dangerous and life-threatening practice. Committee member Ms. Pimentel reiterated that the Committee has issued a special general recommendation since 1990 on violence against women which mentions expressly that traditional practices which are unhealthy to women and children are unacceptable on the basis of cultural norms.

Draft Civil Code

The Committee expressed their concern about the amount of time which had elapsed without the enactment of the draft civil code. The delegation acknowledged that the draft civil code, when enacted, would eliminate much of the existing blatant discrimination towards women in the country's laws.

The delegation highlighted provisions of the draft civil code in line with the Convention and other international instruments, and noted that, by the end of 2008, the draft should reach the National Assembly.

The Committee also stressed their concern with the absence of ratification of the Optional Protocol of the Convention. Committee member Ms. Patten asked which political and administrative authorities the request for its ratification had been made. She also pointed out that the request should be renewed immediately because a new Government had been inaugurated in March 2007 and their view of the Optional Protocol ratification might be different than previous administrations. She also voiced her concern as to the unclear timeline for the draft civil code's implementation, especially given the need to address the harshness of discriminatory provisions regarding family and domestic relations, including provisions basing custody decisions on paternal authority, marriage, and matrimonial property.

Health

In the Guinean delegation's introduction, Ms. Tété Nabe spoke of the risk of maternal mortality¹⁰ and child mortality in the country.¹¹ Guinea is a poor country with 40 per cent of its population living beneath the poverty line. Ms. Tété Nabe stressed the negative effects stemming from armed conflict, globalisation, and refugee pressure, which all contribute to poverty, most markedly in rural areas and among women. Some of the measures the Government is undertaking include a sexual health service project; a national program to combat uterine and breast cancer; free caesareans, a national program to combat AIDS; and health cooperatives to counter the risk connected with pregnancy and delivery.

The Committee underscored the seriousness of the extremely high maternal and child mortality rate, the low rate of contraceptive use, and the decreasing allocation of budgetary funds to target these and other serious health problems.¹² Committee member Ms. Shin questioned the source of funding for these health issues, namely whether it was mostly from international NGO programs or from the Government. She stressed the need for Guinea to commit itself financially to these issues.

⁹ L/2000/010/AN, Article 13, 10 July 2000.

¹⁰ In the last five years it was estimated at 980 deaths for every 100,000 live births.

¹¹ On the whole, risk of child mortality (before age of 5) is 163,000/177,000 – about one out of six children dies before age of five.

¹² The country report stated that funds allocated for health had been cut from 86 million Guinean francs in 2003 to 40 million Guinean francs in 2006.

The Committee urged that the Government use creative advocacy methods to reach the more than 70 per cent of the population living in rural areas, who are mostly illiterate, in order to inform them about government initiatives on contraceptives, HIV/AIDS, and other initiatives. Committee member Ms. Pimentel commented on the fact that no actual results or achievements appeared in the report regarding HIV/AIDS in Guinea, only a list of activities and programs.

The delegation pointed to a law enacted recently which includes sexual health education and family planning in the primary school curriculum. It also highlighted the many international contributions by the World Bank to programs targeting HIV/AIDS. Efforts are being made to involve the private sector in combating HIV/AIDS. The progress made is not always visible, the delegation commented, due to the difficulty in changing the social conduct which leads to the transmission of HIV/AIDS. Some progress, however, was being made, such as tailoring the work to specific areas of the country, as well as making sure that treatment reaches women in higher numbers.

Women in Government

The Guinean delegation admitted that women's access to decision-making positions has actually been declining in the country. The delegation reported that women are represented today in central institutions but not in sufficient numbers. As an example, the new Government has appointed one female governor out of eight, and three female prefects out of 33.

The Committee noted a definite regression in the number of women both elected to national parliament and other electoral positions and appointed to government positions. They highlighted the lack of women leading educational institutions, the low numbers of female lawyers, the lack of women holding leadership positions in the seven regions, and the fact that the tasks given to women were limited to those related to the promotion of women and childhood. Committee member Ms. Neubauer urged the delegation to provide very concrete information on interventions put forth to increase the participation of females in political decision-making roles. She stressed that to be in accordance with Articles 1, 2, and 4 of the Convention along with the general recommendations, the low proportion of women in these roles needs to be tackled by the Guinean government. The Committee also requested information on whether the Government planned to use a quota system or preferential treatment to tackle this issue. The chairwoman of the Committee suggested that Guinean females in decision-making roles attend a meeting conducted by members of the Convention, held each year in Geneva for female members of Parliament, to compare potential roles and discuss various measures.

The delegation admitted the decrease in the participation of women in decision-making roles, compared to 2002. Despite this decrease, it remained hopeful that the situation would change in the near future and highlighted Guinea's strong tradition of women leaders even before independence. Once the results of a survey highlighting the findings were made public, the Department for the Advancement of Women called on the Government to take action, the delegation noted. It was noted that several high level positions, such as ministers for water resources, the environment, and trade, were all women.

Violence Against Women and Children

On the legal front, the Guinean delegation acknowledged that violence against women and children remains a considerable issue in the country. The delegation highlighted the existence of provisions in the draft civil code which protect the rights of young girls against trafficking and violence. It also mentioned various government-developed programs and policies for displaced women and children.

The Committee expressed concern over practices that had been mentioned in Guinea's 1st State report, such as early forced marriage, physical and psychological violence, and FGM. Committee member Ms. Begum stated her concern over the high incidence of domestic violence, namely that 22 per cent of women declared themselves victims of domestic violence in seven regions of the country. The Committee called upon the

delegation to give specific information regarding the implementation of recommendations made in the past, such as passing a specific law to address domestic violence, gender training for all authorities (especially the police and justice department) and the establishment of shelter homes for women.

The Committee underscored the special difficulties encountered by Guinean women living in rural areas who are victims of violence. The low level of education on domestic violence issues, the long travel required to report violations, and problems with attitudes of the courts and police are all issues which compound the problem of violence for this rural population. The Committee asked whether the Guinean Government had any plans to improve women's access to justice, for example by paying for their trials, and whether additional gender-desegregated data would be collected to properly assess the scope of the problem.

The delegation again referred to the draft civil code and its future benefits for women and children. It acknowledged the lack of statistics on trafficked women but noted its intentions to include relevant indicators in an upcoming survey of the general population. The Government has also passed a special law on the trafficking of human beings in general.

Education

The delegation pointed out that illiteracy among girls is a major problem in Guinea, as most girls are not educated. Committee member Ms. Simms stressed the urgency of ensuring all girls are educated in Guinea, especially because the country is a developing nation and educated women are the key to progress. Girls must not be kept out of school to do domestic work or play other gender-stereotyped roles, she stated. In rural areas, the need for education is especially urgent, and the need to find creative teaching techniques, other than reading or writing, was stressed. In rural areas about 6.5 per cent of women and 25 per cent of men are literate; the numbers are higher for urban areas. Committee member Ms. Pimentel noted that education is an instrument for empowering women in their private and public lives by helping them discover their human rights. She questioned the delegation about the school curriculum and whether it included such topics as women's rights as human rights and sexual health.

The delegation informed the Committee that the educational system has three ministries which each contain a committee dealing with gender equality. The delegation noted the strong political commitment to reduce gender disparities through the establishment of structures and policies to support the existing programs. The rate of schooling of girls is 70 per cent compared to 90 per cent of boys in Guinea. The Guinean delegation highlighted several other methods it had used to promote the education of girls, such as educational subsidies for girls' education and lobbying higher education establishments to consider eligible women for vacant posts.

The Committee stressed the necessity of temporary special measures to reduce the gender gap in the fields of education and employment.

Rural Women

Committee member Ms. Begum questioned the delegation on credit and training facilities available to rural women in Guinea. She suggested the Government initiate microcredit financing in the country, as had been done in Bangladesh. Microcredit and collateral free loans, she emphasised, would allow rural women to have their own livelihood, and therefore help their families. She stressed the importance of creating job opportunities on a local level and giving women priority in the hiring process.

The delegation noted that fishing and selling fish products composed a large source of livelihood for rural women. Credits for women had increased significantly in recent years, more economic programmes had been targeted towards rural women, and small village banks had opened, the delegation pointed out. Literacy campaigns have also been launched in the rural areas.

Conclusions and Next Steps

The Guinean delegation assured the Committee of the seriousness of its Prime Minister and Government in tackling all the work that remained to be done on the gender front. By acknowledging the country's shortcomings, the delegation presented the state of their country's gender equity in an open and honest manner. The delegation highlighted the need for economic aid to achieve many of the Committee's suggestions given the financial situation of Guinea today. As for ratification of the Optional Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the item was on the agenda for the next meeting of the Council of Ministers, the delegation noted. The Government stated its commitment to improving women's situation in Guinea. They reiterated that relevant draft legislation would be taken up during the next National Assembly, and structures would be established to ensure follow-up within the ministries.

The Committee urged the delegation to ratify the Optional Protocol to the Convention and stressed the need to submit timely periodic reports. The Committee members pressed the delegation to study the 2006 Secretary-General's in-depth study on all forms of violence against women to truly understand, among other things, the dangers FGM poses to women and the need for adequate data collection disaggregated by sex. After consideration of the reports was completed, the Committee emphasised the need to have a public forum with NGOs, the media, the ministry, and the general public on the Committee's concluding comments.

The gravity of the trafficking issue for women, including the increasing movement from rural to urban areas, was highlighted as an especially serious issue to be addressed by the Guinean government. Finally, the Committee pressed upon the delegation the importance of passing the draft civil code in order to eliminate much of the blatant discrimination toward women which exists currently in the laws of Guinea.

Last revised and updated: 12 September 2007.

TREATY BODY MONITOR STAFF

Gareth Sweeney, Human Rights Officer, Information Program, Geneva

Eléonore Dziurzynski, Communications Officer, Information Program, Geneva

Michelle Evans, Representative to the UN, New York

Kobi-Renee Leins, Human Rights Officer, New York

AUTHOR OF THE GUINEAN REPORT

Resham Mantri, Intern

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The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

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