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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Guinea

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General information about Guinea

1. Guinea is situated in West Africa and has a land area of 245,857 km². It is bordered by Senegal to the north, Sierra Leone and Liberia to the south, Mali and Côte d'Ivoire to the north-east and the Atlantic Ocean and Guinea-Bissau to the west. According to the 2014 general census, Guinea has an estimated population of 10,136,176, of whom 51 per cent are female. The average population density is 31 inhabitants per km², and annual population growth is 3.1 per cent. Guinea has some 30 ethnic groups, each with its own practices and customs. Three main religions — Islam, Christianity and Animism — coexist harmoniously. French is the official language. The economy of Guinea is based essentially on agriculture, livestock and mining.

I. Methodology and consultation

2. This report follows the general guidelines adopted by the Human Rights Council for the second cycle. Chapter I corresponds to paragraph A of the general guidelines (methodology); chapter II corresponds to paragraph B (developments, in particular normative and institutional developments); chapter III corresponds to paragraphs C, D, E, F, G and H; chapter IV contains concluding remarks. The reference framework for this report is the Universal Declaration of Human Rights and it follows the order of rights and freedoms listed therein. At the time of its first review in May 2010, Guinea received 114 recommendations; 105 were accepted, and reservations were entered against 9.

Recommendation 71.98: Establish an effective and inclusive process to follow up on recommendations of the universal periodic review (Norway).

With regard to recommendation 71.98

3. The Interministerial Committee on Human Rights, which reports to the Ministry of Human Rights and Civil Liberties, was entrusted with preparing for, and following up on, the universal periodic review.

4. The Interministerial Committee received drafting assistance from technical departments within the Ministry of Human Rights and Civil Liberties.

5. Before being submitted to the Council of Ministers for approval, the present report was shared with all stakeholders, including civil society and development partners, at a workshop held on 17 and 18 October 2014.

II. Normative and institutional framework

A. Normative framework

6. Guinea is a State with a monistic tradition, giving primacy to international law. Consequently, an international treaty that has been ratified becomes part of the domestic legal system from the date of its entry into force, without the need for enabling legislation (cf. article 151 of the Constitution).

7. Laws that authorize ratification or approval of an international commitment cannot be promulgated or implemented if ruled unconstitutional (cf. article 150 of the Constitution).

Recommendations: (71.1.) Ratify the optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil); (71.2) Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain); (71.2) Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain); (71.2) Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Spain); (71.2) Sign and ratify the two Optional Protocols to the Convention on the Rights of the Child (Spain); (71.2) Advance significantly in the submission of overdue reports to different Treaty Bodies (Spain); (71.2) Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain); (71.3) Sign and ratify the Optional Protocol to the Convention against Torture (United Kingdom); (71.4) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to establishing a national preventive mechanism (Costa Rica); (71.7) Integrate the various treaties to which Guinea is party into its domestic law, and become a party to other international human rights instruments for the well-being of the Guinean people (Chad); and (72.2) Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina).

8. With respect to recommendations 71.1, 71.2 (bis), 71.3, 71.4, 71.7 and 72.2 (bis), Guinea ratified the Convention on the Elimination of All Forms of Discrimination against Women on 17 July 1980. In 1998 it presented its initial report and its combined second and third periodic reports.

9. At the thirty-ninth session of the Committee on the Elimination of Discrimination against Women held from 23 July to 10 August 2007, Guinea presented its combined fourth to sixth periodic reports.

10. The process of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is under way. The Protocol has been submitted for consideration by relevant bodies, including women's organizations, ministerial departments, institutions of the Republic and women's rights advocates.

11. With regard to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Guinea presented its initial report to the Committee against Torture on 6 May 2014. The Ministry of Human Rights took that opportunity to reiterate the commitment by Guinea to accede to the Optional Protocol.

12. Regarding the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, much remains to be done before the signature and ratification process can begin.

13. However, Guinea recognizes the importance of providing individuals with the possibility of recourse to communication and complaints mechanisms when they consider their fundamental rights to have been violated.

14. The two Optional Protocols to the Convention on the Rights of the Child were ratified by Guinea in December 2001, although their instruments of ratification were not transmitted until 2012.

15. The initial reports on the implementation of the two Optional Protocols to the Convention on the Rights of the Child were approved in April 2014. They are currently being submitted to the treaty body concerned.

B. Institutional framework

1. Judicial institutions

16. The Guinean justice system is based on universal principles. Justice is administered by the courts and tribunals, which are headed by the Supreme Court, in accordance with article 113 of the Constitution.

17. Pursuant to article 93, the Constitutional Court has jurisdiction over constitutional and electoral matters and fundamental rights and freedoms. It rules on the constitutionality of laws and ordinances and the conformity of international treaties and agreements with the Constitution. It ensures the proper conduct of national elections and referendums and announces the final results.

2. Other constitutional institutions

18. The President of the Republic (art. 45) is the Head of State and presides over the Council of Ministers. He ensures compliance with the Constitution, international commitments, laws and judicial decisions and guarantees the proper functioning of the public authorities and the continuity of the State.

19. Article 72 of the Constitution states that, subject to article 51, the National Assembly alone shall pass laws and exercise oversight over the Government.

20. Article 127 of the Constitution establishes the Office of the Ombudsman.

21. Articles 146–148 of the Constitution provide for the establishment of the Independent National Human Rights Institution.

3. Other institutions and mechanisms

22. Articles 125 and 126 of the Constitution provide for the establishment of the High Communications Authority.

23. Pursuant to Decree No. D/2012/130/PRG/SGG of 4 December 2012, the Ministry of Human Rights and Civil Liberties was established with the task of defining, implementing and monitoring government policy on human rights and civil liberties.

Recommendations (71.8, 71.9 and 71.10) Consider establishing a national human rights institution in accordance with the Paris Principles (Pakistan, Malaysia, Niger); (71.11) Noting that there currently are two national human rights institutions, avoid duplication; assign clear and well-defined competencies in accordance with the Paris Principles; and elaborate a National Human Rights Plan that integrates all spheres of public administration (Spain).

24. **With regard to recommendations 71.8, 71.9 and 71.10** concerning an independent national human rights institution, an institutional act adopted by the National Transition Council (acting as the country's parliament) on 14 July 2011 was transmitted to the Supreme Court, which issued an order of conformity (No. 08/CS) in a hearing held on 31 July 2014.

25. As the Human Rights Monitoring Body within the Office of the Prime Minister no longer exists, the Head of State has created a department responsible for the promotion and protection of human rights.

Recommendations: (71.14) Pursue with resolution the positive efforts aimed at restoring a normal constitutional life by emphasizing the democratic foundation and respect for human rights (Niger); (71.56) Put a special emphasis on respecting the principle of the separation of powers, and stop any interference by members of the

executive or legislative branches with the operation of the judiciary (Hungary); (71.57) Take immediate measures to ensure the autonomy of the judiciary vis-à-vis the executive (Canada); (71.58) Undertake an ambitious reform of the judicial system, which should be conducted in line with all applicable international standards, notably the principle of the separation of powers, and which should be endowed with the necessary resources for its implementation (Switzerland).

26. With regard to recommendations 71.14, 71.56, 71.57 and 71.58, under the new Constitution of 7 May 2010, which enshrines the principle of separation of powers (arts. 107 and 108), the Guinean people proclaim their adherence to the ideals, principles, rights and obligations set forth in the Charter of the United Nations and all other subregional, regional and international human rights treaties and conventions.

27. A democratically elected President of the Republic has been in office since 21 December 2010. The National Assembly was installed on 14 January 2014, following elections held on 28 September 2013.

28. The exercise of judicial power is vested in the Supreme Court, the Court of Audit and other courts and tribunals, whose final decisions are binding on the parties.

29. Judges are subject, in the exercise of their functions, to no authority other than the law; judges of the bench are irremovable, as provided by law. Organization Act No. L/054/CNT/2013 establishes the rules governing the status, career development and independence of judges.

30. The independence of the judiciary has been further strengthened by the establishment of the Supreme Council of Justice and a substantial increase in judges' salaries.

III. Promotion and protection of human rights

A. Equality, non-discrimination (Universal Declaration of Human Rights, arts. 1, 2 and 7) and subjects of specific rights

31. Title II, articles 5 and 8, of the Guinean Constitution of May 2010 provides that the human person and human dignity are sacred. It is the duty of the State to respect them and protect them. These rights and freedoms are inviolable, inalienable and imprescriptible.

32. All human beings are equal before the law; men and women have the same rights; no one shall be favoured or disfavoured because of his or her sex, birth, race, ethnicity, language, beliefs or political, philosophical or religious opinions.

Gender

Recommendations: (71.27; 71.28; 71.29; 71.30; 71.31; 71.32; 71.33; 71.39; 71.40; 71.41; 71.42; 71.43; 71.44; 71.49; 71.50; 71.95; 71.97) Constitutional, legislative and other provisions to eliminate discrimination.

With regard to recommendations: (71.28) Take measures to change laws that discriminate against women (Norway); (71.31) Continue to combat discrimination and violence against women, notably through the prevention of certain abusive sociocultural practices, through the revision of discriminatory provisions in the Civil Code and the development of legislation against domestic violence (Brazil); (71.39) Consider without delay enacting legislation to address domestic violence, including marital rape (Hungary); (71.40) Enact without delay national legislation on domestic violence and marital rape and all forms of sexual abuse, and ensure equal rights for

women, in law and in practice, in the areas of land ownership, inheritance, marriage and the protection of women and children, as recommended by the Committee on the Elimination of Discrimination against Women (Israel); (71.41) Adopt measures to prevent, punish and eliminate all forms of violence against women, including intra- and extramarital rape, domestic violence and degrading treatment (Argentina); (71.42) Enact without delay legislation on domestic violence, including marital rape and all forms of sexual abuse, and strengthen its awareness-raising and educational efforts to address the health consequences of female genital mutilation and provide medical support to those affected by it (Slovenia); (71.50) Take more adequate measures to prevent trafficking and strengthen the economic situation of women so as to reduce their vulnerability to exploitation and trafficking (Netherlands).

33. Article 8 of the Guinean Constitution enshrines equality between men and women. Similar provisions are contained in all legal texts, for example the Civil Code, the Labour Code, the Electoral Code, the Children's Code, the Economic Activities Code, the Public Health and Hygiene Code, the Local Government Code and Act No. L/010/2000/AN of 10 July 2000 on reproductive health, which makes the practice of female genital mutilation a criminal offence.

34. In addition, the regulatory framework has been strengthened in order to combat traditional practices that are harmful to women and children. Measures adopted include:

- Five interministerial implementing orders relating to Act No. L/010/AN/2000 on reproductive health;
- A joint order prohibiting female genital mutilation in public and private health-care facilities in Guinea issued by the Ministry of Social Action and the Advancement of Women and Children's Affairs, the Ministry of Health and Hygiene, the Ministry of Security and Civil Protection, the Ministry of Justice and the Ministry of Territorial Administration;
- An order issued by the Minister of Communications prohibiting the dissemination of notices, announcements and promotional materials relating to female genital mutilation ceremonies;
- An order issued by the Ministry of Security and Civil Protection on the monitoring of the effective implementation of laws against the practice of female genital mutilation.

35. In order to strengthen this legal arsenal, a bill dealing specifically with gender equality is in the process of being adopted.

36. It should be acknowledged, however, that despite this arsenal, entrenched cultural attitudes persist in many rural areas. Furthermore, the positions adopted by religious leaders (imams) are obstacles to an outright ban on female genital mutilation.

Recommendations: (71.27) Implement measures to address stereotypes regarding the roles and responsibilities of men and women in society (Norway); (71.29) Improve the critical situation for women by taking measures including the elimination of forced and early marriage and female genital mutilation, as well as by increasing the representation of women in the political decision-making process (Japan); (71.30) Follow up on the recommendations of the Committee on the Elimination of Discrimination against Women on redoubling national efforts in favour of gender equality, in particular through education and awareness-raising campaigns; the investigation and punishment of violations of the rights of women and girls, in particular sexual violence; and the rehabilitation and compensation of victims (Mexico); (71.32) Further improve the protection of women and girls against violence and discrimination (Germany); (71.33) Take measures towards ensuring the equal

and full enjoyment of human rights of women and to combat ethnic discrimination (Sweden); (71.43) Raise awareness about the Law on Reproductive Health and strengthen education efforts in this area, ensure that perpetrators of female genital mutilation are prosecuted, address the health consequences of female genital mutilation and provide medical support to victims (Netherlands); (71.44) Make sure that the rules which establish the scope of action of the law and order forces prevent acts of violence against women (Belgium); (71.45) Undertake more effective measures to address the problems of impunity and violence against women and girls, including through the strengthening of law enforcement and the judicial system and intensive media and education programmes aimed at increasing public awareness and sensitivities on the rights of women (Malaysia); (71.49) Continue its efforts to combat the trafficking of women and children in law and in practice, and take adequate measures to combat the phenomenon by providing comprehensive information and data on trafficking in women and girls, as recommended by the Committee on the Elimination of Discrimination against Women (Israel); (71.95) Continue the efforts in providing free education and health care and combating female genital mutilation and HIV/AIDS (Indonesia); (71.97) Ensure that girls and women have equal access to education at all levels, and ensure the retention of girls in school (Norway).

37. With regard to recommendations 71.27, 71.29, 71.30, 71.32, 71.33, 71.43, 71.44, 71.45, 71.49, 71.95 and 71.97, the advancement and protection of women, girls and children are the responsibility of the Ministry of Social Action and the Advancement of Women and Children's Affairs and the Ministry of Human Rights and Civil Liberties. However, it should also be noted that all ministerial departments and State institutions are involved in this process.

38. For this reason, there are gender units within all ministerial departments and State institutions at the divisional level of government.

39. The Ministry of Social Action and the Advancement of Women and Children's Affairs now includes the following new national directorates and services:

- The Directorate for the Promotion of Women, Gender Equality and the Family;
- The National Women's Self-help Service;
- The Social Development and Solidarity Fund;
- The National Observatory on Gender-based Violence;
- The Protection Cluster for vulnerable groups in times of crisis.

40. An observatory on violence against women and children is currently being set up within the Ministry of Human Rights and Civil Liberties.

41. In addition, there are major policies in place for the advancement of women. They include:

- The National Gender Policy;
- The National Policy for the Advancement of Women (revised in 2006);
- The National Family Policy;
- The National Strategy on Gender-based Violence.

42. Many other measures have also been taken to promote equality, in particular in education, health and employment.

Education

- The repeal of measures excluding pregnant girls from education and the introduction of the possibility of leave of absence from studies for those girls;
- The establishment of equality committees in the ministries responsible for education;
- Training for education officials on gender mainstreaming in the education system;
- The establishment of a technical secretariat for equality;
- The revitalization of the Chair on Gender Issues at the University of Conakry;
- The establishment of observatories on violence against girls in schools and universities.

Health

- The establishment of a women's health cooperative for costs associated with pregnancy and childbirth as part of the "Risk-free Maternity" programme;
- Training for staff in some health centres and hospitals on the provision of medical care for victims of gender-based violence and the treatment of complications arising from female genital mutilation/cutting;
- Raising public awareness of the benefits of assisted childbirth, prenatal care and HIV/AIDS counselling;
- The training of a surgeon, a gynaecologist, 13 nurses and 72 village midwives in the treatment of fistulas;
- The provision of caesarean sections free of charge.

Employment

43. With regard to employment protection for women, mention should be made of one major measure that has been taken:

- The introduction of a prohibition on the dismissal of women for reasons related to pregnancy and childbirth.

44. It must be acknowledged, however, that no structured and coherent action plan for promoting women's participation in the labour market has as yet been developed. Most Guinean women work in the informal sector and face great difficulties.

45. As to measures to combat stereotypes, unfortunately, it must be recognized that Guinean society is still largely influenced by sociocultural factors that place women and girls at a disadvantage in many areas.

46. This situation raises serious challenges for Guinea in terms of bringing about a change in behaviour that will lead to full gender equality.

47. Aware of this unfavourable context for the development of women and girls, the Government, in cooperation with civil society organizations and other partners, has launched wide-ranging awareness-raising programmes to eradicate certain practices.

Trafficking in women and their exploitation for the purpose of prostitution

48. Under the Criminal Code, trafficking in women is categorized as a crime or offence depending on the circumstances in which it was committed. Several cases are before the assize courts, which unfortunately do not sit regularly.

49. Regarding exploitation for the purpose of prostitution, the Ministry of Social Action and the Advancement of Women and Children's Affairs and the Ministry of Security and Civil Protection are taking steps to regulate this area.

Women in political and public life

50. The Constitution places no restriction on the rights of women to participate in political and public life. In order to strengthen women's access to the exercise of power at all levels, article 103 of the new Electoral Code provides that: "In every district or neighbourhood council at least one third of the members must be women". Article 115 of the Code contains similar provisions with regard to elections to municipal councils, stating that at least 30 per cent of candidates on electoral lists must be women. Article 129 of the Code extends the concept of quotas to the election of members of the National Assembly. No provisions exist that block women's access to decision-making positions in the civil service.

51. Despite this equality in law, the situation is very different in practice, as reflected by the following statistics:

- National Assembly: 114 members, of whom 25 are women, i.e. 21.92 per cent;
- Supreme Court: 18 judges, of whom are 5 women, i.e. 28 per cent;
- Independent National Electoral Commission: 25 commissioners, of whom 5 are women, i.e. 20 per cent;
- Economic and Social Council: 45 members, of whom 11 are women, i.e. 24 per cent;
- National Communications Council: 9 members, of whom 2 are women, i.e. 22 per cent;
- Regional governors: 8 governors, of whom 1 is a woman (Kindia);
- Prefects: 33, of whom 3 are women;
- Sub-prefects: 305, of whom 8 are women;
- Assistant sub-prefects: 305, of whom 1 is a woman;
- Government: 34 ministers, of whom 5 are women;
- Mayors: 38, of whom 3 are women;
- There is only one female head of a subregional organization, namely the Mano River Union, and there are two women ambassadors.

52. This situation is due to sociocultural factors and a real lack of political will.

Gender-based violence

Recommendations: (71.30) Follow up on the recommendations of the Committee on the Elimination of Discrimination against Women on redoubling national efforts in favour of gender equality, in particular through education and awareness-raising campaigns; the investigation and punishment of violations of the rights of women and girls, in particular sexual violence; and the rehabilitation and compensation of victims (Mexico); (71.46) Pursue the fight against the impunity of the perpetrators of sexual violence against women and young girls (Senegal); (71.47) Publicly denounce gender-based violence and ensure the effective prosecution of those responsible for such violence, including members of the armed forces and security forces (Netherlands); (71.48) Strengthen its efforts to effectively enforce the criminalization of female

genital mutilation, as well as the implementation of a national plan of action against female genital mutilation (Norway); (71.67) Take all measures necessary to combat impunity and bring to justice those responsible for or involved in serious human rights violations, and in particular acts of sexual violence against women and girls (Republic of Korea); (71.75) Noting the possible crimes against humanity, including sexual violence against women and girls, committed during the events starting on 28 September 2009, and recognizing that Guinea has ratified the Rome Statute of the International Criminal Court, bring to justice those responsible for those violations and combat impunity for those events (Costa Rica).

53. **With regard to recommendation 71.30**, Guinea has set up three major projects within the Ministry of Social Action and the Advancement of Women and Children's Affairs with the support of technical and financial partners (the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP)). The projects are as follows:

- An UNFPA project to support the women's movement;
- A project entitled GUI6/Gender/UNICEF;
- A joint project on female genital mutilation/cutting.

54. **With regard to recommendations 71.46, 71.47, 71.67 and 71.75**, it should be noted that some efforts have been taken to combat impunity, including:

- In respect of the events of 28 September 2009:
 - Six persons have been charged but not remanded in custody, and letters rogatory have been issued against persons absent from the country (Captain Moussa Dadis Camara and Lieutenant Toumba Diakité);
 - A gendarme has been charged with rape during the events of 28 September and remanded in custody in Conakry central prison after being identified by one of the victims;
- Other cases of violence against women:
 - A "red beret" from the Samoréya military camp has been charged with the rape of two minors and remanded in custody;
 - An imam has been remanded in custody for the rape of seven minors in Gomboyah;
 - Media coverage given to the arrest and prosecution of four persons, including three women, for allegedly performing female genital mutilation/cutting.

55. **With respect to recommendation 71.48**, it should be noted that:

- Three practitioners of excision have been arrested and convicted;
- In 2011 and 2012 the perpetrators of 68 cases of violence were taken in for questioning by the Office for the Protection of Gender, Childhood and Morality.

56. Although marital rape is now recognized in law, it is still a taboo subject.

57. In this context, it is fair to say that considerable challenges remain in addressing violence against women. There is a need for greater serenity and firmness.

Children

Recommendations: (71.6) Take effective measures to ensure protecting children's rights in conformity with its international obligations (Ukraine); (71.12) Study the

possibility of developing and adopting in the near future a national action plan on the rights of the child (Belarus); (71.51) Punish and prevent trafficking in children for the purpose of forced labour (Argentina).

58. **With respect to recommendation 71.6**, Guinea adopted the Children's Code in 2008. This text incorporates all legislative and judicial measures related to the rights of the child.

59. The principles underpinning the Code include:

- The best interests of the child;
- Parental responsibility;
- Respect for the views of the child, the involvement of children in the development of all social measures affecting them, and the right of every child alleged as, or accused of, having infringed the penal law to be treated in a manner consistent with his or her situation.

60. In adopting these principles, Guinea has brought its domestic legislation into line with the Convention on the Rights of the Child and other regional and international legal instruments.

61. **With regard to recommendation 71.12**, Guinea has adopted several documents with a view to promoting and protecting children's rights. They include:

- A national child policy paper;
- A poverty reduction strategy paper (DRSP 3);
- The report of the National Forum on Children.

62. **Regarding recommendation 71.51**, article 385 of the Children's Code defines and punishes trafficking in children.

63. Despite a comprehensive body of legislation, violations of children's rights still occur both in a family context and in the public sphere.

B. Right to life, prohibition of slavery and torture (Universal Declaration of Human Rights, arts. 3, 4 and 5)

64. While the Constitution refers to the enjoyment of these rights in general terms, other legislation provides specific penalties for their violation, in particular the Criminal Code, the Code of Criminal Procedure, the Children's Code and the Code of Military Justice.

Recommendations: (71.5) Make every effort to uphold its clear obligations under international and African human rights treaties to respect the right to life and freedoms of expression and assembly (Republic of Korea); (71.34) Take effective measures to uphold the right to life and the total prohibition of torture in Guinea (Sweden); (71.37) Take necessary steps to intensify the judicial prosecution of all cases of alleged torture and violence committed by members of the armed forces (Germany); (71.38) Ensure that the security forces comply with international human rights law to ensure no extrajudicial executions, torture, ill-treatment, rape and other grave human rights violations (United Kingdom); (71.68) Bring to justice all alleged perpetrators of extrajudicial executions, acts of torture, ill-treatment, rape and other grave human rights violations; ensure that victims of these violations benefit from full reparation and that families of those who died receive adequate compensation; and reinforce the protection of vulnerable groups, particularly women (Switzerland); (71.71) Give clear instructions to the security forces to always act in compliance with

international human rights law, to bring to justice anyone suspected of having committed extrajudicial killings, excessive use of force, torture, rape and other grave human rights violations, and to cooperate with the United Nations Commission of Inquiry (Sweden).

65. **With regard to recommendations 71.5 and 71.34**, Guinea has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this connection, articles 5–10 of the Constitution recognize the sacred nature of human dignity, the right to the development of the personality of the human being, and the right to life and physical and moral integrity of all persons living in Guinea, regardless of their political or religious opinions or social, ethnic or racial background.

66. Torture is not expressly defined in the current Criminal Code. However, Title II, articles 295–305, defines and provides penalties for several offences related to torture and other cruel, inhuman or degrading treatment.

67. The bill to revise the Code incorporates the definition of torture set forth in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Code of Military Justice and the Code of Criminal Procedure are also currently being revised to allow for the incorporation of the international legal instruments signed by Guinea so as to reflect the constitutional principle of the primacy of human rights.

68. **Regarding recommendations 71.37, 71.38, 71.68 and 71.71**, since the establishment of the Third Republic efforts have been ongoing to respond judicially to allegations of torture involving the defence and security forces.

69. Examples of such action are detailed below:

- In December 2012, the Conakry Assize Court convicted gendarmerie officials for acts of torture in the case of the *Public Prosecutor's Office v. Margis-Chef of the Gendarmerie Momo Bangoura and others*;
- In February and July 2013, a general officer and two senior officers of the Guinean Army were charged with torture;
- In December 2013, three high-ranking national gendarmerie officers in Kankan were suspended from duty following allegations of torture in the Balla Condé case;
- On 19 September 2014, Sergeant Younoussa Camara from the Samoréya military camp was remanded in custody in Conakry central prison on charges relating to the rape of two minors.

70. Nonetheless, despite the efforts made in this regard, they are minimal compared to the scale of the problem. Furthermore, low case resolution rates and lenient penalties are not conducive to the effective prevention of torture.

71. With regard to the maintenance of law and order, the army is prohibited from intervening during demonstrations under articles 141 and 142 of the Constitution, which state: “The defence and security forces shall be republican. They shall be at the service of the nation. They shall be non-political and at the disposal of the civilian authorities. No one may use those forces for their own ends.” Similar provisions are set forth in articles 6, 11 and 12 of the Code of Conduct for the Defence and Security Forces.

72. As regards redress, it is important to note that the Ministry of Justice has established a victims' commission with a mandate to develop redress mechanisms for victims of human rights violations.

C. Administration of justice, fair trial and the fight against impunity

73. In order to be able to ensure the protection of fundamental rights and stimulate economic development, Guinea needs to reform its judicial and security system. Building capacity in the justice system — the cornerstone of the rule of law and democracy — remains a major challenge for stability and sustainable development.

Justice

Recommendations: (71.13) Develop strategies to address human rights violations stemming from its political and social instability (United States); (71.16) Ensure its security personnel undergo due human rights and humanitarian law training programmes to prevent extrajudicial killings, use of torture and other ill-treatment (Slovakia); (71.17) Strengthen education and training in human rights, in particular in the judiciary and in the security forces and military (Costa Rica); (71.19) Commit itself to reinforcing civilian control of the military and civilian security forces, and develop training programmes focused on ensuring respect for the rule of law and human rights (United States); (71.20) Undertake a complete reform of the security sector, including the armed forces, as well as training aimed at preventing human rights violations (Canada); (71.21) Intensify efforts to improve the existing situation in prisons and detention centres (Slovakia); (71.35) Take all appropriate steps to abrogate excessive use of force and extrajudicial killings by armed forces, police and security forces, by combating the impunity of perpetrators having committed such acts, in accordance with international standards of fair trial (Israel); (71.52) Pursue with determination the implementation of its reforms of the judicial and security sectors (Morocco); (71.53) Undertake effective restructuring of the judicial system, armed forces, police and other security forces, with the aim of strengthening the protection of human rights in law enforcement (Ghana); (71.54) Carry out a security sector reform and a reform of the judicial system guaranteeing the independence of the judiciary (France); (71.55) Build up, in cooperation with relevant United Nations bodies, an efficient and independent judiciary (Germany); (71.56) Put a special emphasis on respecting the principle of the separation of powers, and stop any interference by members of the executive or legislative branches with the operation of the judiciary (Hungary); (71.57) Take immediate measures to ensure the autonomy of the judiciary vis-à-vis the executive (Canada); (71.58) Undertake an ambitious reform of the judicial system, which should be conducted in line with all applicable international standards, notably the principle of the separation of powers, and which should be endowed with the necessary resources for its implementation (Switzerland); (71.59) In accordance with the compromise expressed by the Minister, carry out a process of revision of the justice system, in order to ensure, in legislation as well as in practice, its full independence, the elimination of impunity and due diligence in the conduct of investigations, especially those regarding human rights violations (Mexico); (71.60) Allow for the full independence and effective functioning of the judiciary to ensure fundamental rights and freedoms for all persons such as, inter alia, the freedom of expression or opinion, association, and peaceful assembly, particularly in the context of future electoral processes (Israel); (71.62) Allocate an appropriate amount of funds to the courts and provide adequate human and material resources to enable the judiciary to properly perform its functions (Hungary).

74. With regard to recommendation 71.17, the Government of Guinea, aware of the challenges involved in building the capacity of the judicial and security sectors, has launched a major training and awareness-raising programme for the judiciary and the defence and security forces. Measures taken include:

- Training to build the capacity of 150 gendarmes, police officers and prison guards in human rights concepts organized by the Ministry of Human Rights and Civil Liberties in December 2013;
- Renovation of the National Police and Civil Protection Academy, begun in January 2014;
- The establishment of a judicial training and development centre within the Ministry of Justice for the recruitment and training of judicial trainees;
- The inclusion of international humanitarian law in training programmes for the defence and security forces.

75. **With regard to recommendation 71.21**, it is important to stress that much remains to be done to improve conditions of detention in Guinea. The main areas of concern are serious overcrowding, dilapidated infrastructure, a lack of effective medical supervision and a scarcity of financial and logistical resources for the prison service.

76. This situation has been taken note of by, in particular, the Ministry of Human Rights and Civil Liberties, which is planning to launch a project to clarify the legal situation of detainees, focusing on women and minors in conflict with the law.

77. There have, however, been some admittedly modest, but important, changes in detention centres, which should be noted. They concern, in particular, the elimination of the use of torture and corporal punishment. Such practices, should they occur, take place before an individual is placed in detention.

78. It is also important to stress the impetus given to this process by the Ministry of Human Rights and Civil Liberties with the establishment of a body to monitor prisons and the creation of a prisons commission within the Ministry of Justice.

79. **With respect to recommendations 71.13, 71.16, 71.19, 71.20, 71.35, 71.52, 71.53, 71.54, 71.55, 71.56, 71.57, 71.58, 71.59, 71.60 and 71.62**, Guinea has undertaken a wide range of reforms with a view to establishing a genuinely constitutional State. They include:

- The drafting of a national defence and security policy in November 2013;
- The establishment of the National Steering Committee for Judicial Reform pursuant to Decree No. D/2013/056/PRG/SGG of 20 March 2013;
- The May 2010 security sector assessment detailing the problems afflicting the army;
- The reinvigoration of the Armed Forces General Inspectorate, begun in 2011;
- The existence of institutional laws on the special status of judges and the Supreme Council of Justice;
- The existence of a Military Justice Code and a military court, which will ensure that the defence and security forces are subject to the authority of the law. On completion of their training, military judges were appointed by the High Commander of the National Gendarmerie-Military Justice Directorate. Civilian judges (one presiding judge and two associate judges) will be appointed shortly by the Minister of Justice;
- The adoption of a statute relating to prison staff and the legal regime applicable to prisons;
- The signing of Decree No. D289/PRG/SGG/2011 of 28 November 2011 on the Code of Conduct for the Defence and Security Forces;
- The adoption of the Military Justice Code pursuant to Act No. 002/CNT of 17 January 2012, which has strengthened criminal law and established a military court

with jurisdiction over objectively military offences and ordinary offences committed by military personnel on base or during missions;

- The adoption and promulgation of Act No. 003/CNT of 17 January 2012 on the status of military justice personnel;
- The decision to create the High Command of the National Gendarmerie-Military Justice Directorate in 2012 (formerly the National Gendarmerie General Staff);
- The signing of Decree No. D293/PRG/SGG/2012 of 6 December 2012 establishing general disciplinary regulations for the army.

Combating impunity

Recommendations: (71.36) Provide the families concerned with all available and relevant information on the cases of persons who have disappeared (Hungary); (71.64) Enhance victims' access to legal redress, and establish special measures for the protection of victims, including the provision of shelters and legal, medical and psychological support (Hungary); (71.65) Fight impunity (Germany); (71.69) Take effective action to end impunity and to investigate and bring to justice anyone suspected of having committed offences under international law or other human rights abuses (Ghana); (71.70) Ensure that the victims of human rights violations and their families can obtain reparation (Ghana); (71.66) Take effective and concrete steps to ensure that those responsible for the events of 28 September 2009 are held accountable (Norway); (71.72) Investigate all human rights violations committed by security forces in 2009, and establish reparation mechanisms for victims (France); (71.73) Adopt a transparent, independent and impartial mechanism to ensure justice for the victims of the events of 28 September [2009], including the prosecution of those responsible for gross human rights violations, in line with international standards (Canada); (71.74) Ensure due investigation of all allegations of human rights violations following the events [of September 2009] and prosecute the perpetrators in accordance with international standards (Slovakia); (71.76) Implement, as soon as possible, the recommendations of the international commission of inquiry concerning the events of 28 September 2009 (Brazil); (71.77) Bring those State agents who have committed human rights violations, particularly those named in the United Nations Commission of Inquiry report, to justice (United Kingdom); (71.78) Continue to cooperate with the International Criminal Court in order to shed light on the events of September 2009 and to prosecute those who are guilty (France).

80. **With regard to recommendations 71.36, 71.64, 71.65, 71.69 and 71.70**, impunity is today a matter of major everyday concern for Guineans. This situation is the result of a long history of recurrent human rights violations that have occurred since independence but have not been prosecuted.

81. As impunity inevitably fosters further abuses, it is clear that the fight against it will be long and hard and require genuine political will to ensure that the perpetrators of human rights violations are punished. This applies in particular to the following:

- The events in Zogota in August 2012;
- The inter-communal clashes in Guinée Forestière from 15 to 18 July 2013 (in the Nzerékoré region);
- The SAORO land expropriation case of 2013;
- The events in Diéké from 21 to 24 March 2014;
- The Tafsir Sylla case of 26 February 2014 in Fria;

- The demonstration against the power cut in Conakry in February 2014;
 - The Alhousseine Camara case of 16 October 2011 in Conakry.
82. Some slight progress has been made:
- Investigations into the events in Zogota and the intercommunal clashes in Nzerékoré have been concluded;
 - The SAORO land expropriation case resulted in two defendants being found guilty of murder on 8 October 2013.
83. However, there are still many cases in which no proceedings have been instigated, including:
- The case of Alhousseine Camara, a torture victim;
 - The 2013 Soronkony case (involving the unlawful arrest and arbitrary detention of 33 young people and their subsequent transportation to the Soronkony military camp).
84. **With respect to recommendations 71.66, 71.72, 71.73, 71.74, 71.75, 71.76, 71.77 and 71.78 (relating to the events of 28 September 2009)**, the Guinean authorities have undertaken to make every effort to ensure that those responsible for these massacres are identified, arrested, tried and convicted in accordance with the law.
85. In this connection, the following (small) steps have been taken:
- A judicial investigation was opened on 8 February 2010;
 - A panel of three judges has been appointed;
 - Six Guinean Army officers have been charged;
 - 400 victims have been interviewed, and office space has been provided for the panel of investigating judges.
86. With regard to cooperation with the International Criminal Court, the Office of the Prosecutor of the Court, acting in accordance with the Rome Statute, has paid six fact-finding visits to Conakry since the events of 28 September 2009. The Prosecutor of the Court has issued a statement expressing her appreciation for the cooperation received.
87. However, in the light of the results achieved thus far, it is necessary to recognize the urgency of resolving this matter in order to ensure that victims' rights are restored.
88. With regard to access to redress for victims, victim and witness protection, reparations and enforced disappearances, the measures taken are still inadequate.
89. As part of the democracy-building process, the fight against impunity — the sole guarantor of stability — must be a priority for the Government.

National reconciliation

Recommendation (71.63) Draft a national reconciliation and pardon strategy by setting up an efficient mechanism to fight against impunity (Niger).

90. **With regard to recommendation 71.63**, following the return to constitutional order in December 2010, the President of the Republic, in accordance with the pledges he had made, appointed the two co-chairpersons of the Interim Advisory Committee on National Reconciliation. The Committee's mandate is to reflect on and make proposals for future action.

91. The Government's determination in this regard is shared by the Peacebuilding Commission, which has included the issue of national reconciliation among the three identified peacebuilding priorities. Of course, the question of the institutional status to be given to the national commission responsible for the process remains to be decided.

D. Civil and political rights

92. Civil and political rights are clearly mentioned in the Constitution, in particular its article 2.

Recommendations: (71.80) Ensure the safety of journalists and a free, independent media, including in the run-up to the elections (United Kingdom); (71.81) In preparing for the elections, take concrete measures to ensure that the rights of freedom of opinion, expression and assembly are respected by everybody, including the security forces (Norway); (71.82) Ensure respect for the right to freedom of expression and assembly, notably during the electoral campaign (Switzerland); (71.83) Take all measures to ensure that free and fair elections are held as scheduled on 27 June and 18 July this year, guaranteeing all persons' right to participate in the Government of their country (Sweden); (71.84) Ensure the full enjoyment of civil and political rights with a view to the elections scheduled for June 2010, and adopt the measures necessary to prosecute and punish those responsible for the violent events of 28 September 2009 (Argentina); (71.85) Take all measures necessary to ensure that the forthcoming elections are peaceful, free and fair, while fully guaranteeing the right to take part in the conduct of public affairs and the right to vote (Republic of Korea); (71.86) Organize and hold free, democratic and transparent parliamentary and presidential elections (Bulgaria); (71.87) Take the measures necessary to make sure that the upcoming presidential and legislative elections present all guarantees of freedom, regularity and transparency, and, to this end, notably accept the presence of international observers (France); (71.88) Ensure that the upcoming elections are democratic, transparent and fair in order to allow for a definitive return by Guinea to the democratic international and regional arena, in line with the Ouagadougou Agreement of 15 January 2010 (Niger); (71.89) Fully support the national electoral commission's efforts to ensure transparency and prevent irregularities in the electoral process (United States); (71.90) Respect the elections timeline and take the measures necessary to ensure that the first ballot of the presidential elections takes place, as scheduled, on 27 June 2010 (Canada); (71.91) Implement the Ouagadougou Agreement in full, and hold fair elections by end June 2010 (United Kingdom); (71.92) Continue to adhere to the stipulations of the Ouagadougou Agreement and to its commitment to support and start elections on 27 June 2010 (United States).

93. With regard to recommendations 71.80, 71.81, 71.82, 71.83, 71.84, 71.85, 71.86, 71.87, 71.88, 71.89, 71.90, 71.91 and 71.92, Guinea has held presidential and legislative elections under conditions deemed acceptable by all national and international observers.

94. The first round of the presidential election was held on 27 June 2010, with 24 candidates running for office.

95. The second round was held on 7 November 2010, with a turnout of 68 per cent.

96. Legislative elections were held on 28 September 2013, with an estimated turnout of 80 per cent.

97. The media played an important role in this process by providing all the political groupings with access to the widest possible audience through a range of outlets. The Guinean media are key players in the democracy-building process and, despite occasional

excesses on their part, they should be further strengthened and given institutional backing in order to guarantee their independence.

98. Lastly, it is important to emphasize the role of the security services in guaranteeing free speech and security throughout the electoral process. To this end, special units were formed to maintain security during the presidential elections (FOSSEPEL) and the legislative elections (FOSSEL).

E. Economic, social and cultural rights

Poverty reduction

Recommendations: (71.102) Engage the international community and international organizations in capacity-building support and technical assistance, particularly in the areas of economic and human resources development and poverty reduction (Malaysia); (71.93) Continue to attach importance to promoting agricultural production and to strengthening international cooperation so as to reduce hunger and poverty and guarantee people's daily necessities (China).

99. **With regard to recommendations 71.102 and 71.93**, Guinea, despite its enormous natural potential, remains one of the poorest countries in the world, with a human development index value of 0.392 in 2014, ranking it 179 out of 187 countries.

100. This situation is due in particular to the political and social instability that has affected the country over the past 10 years.

101. Following the installation of the new Government, Guinea renewed cooperation with international financial institutions (the World Bank and the Islamic Development Bank), reached the completion point of the Heavily-Indebted Poor Countries Initiative in 2012 and secured four successful reviews under the Extended Credit Facility Arrangement.

102. However, efforts were hampered by the political crisis surrounding arrangements for the legislative elections, which led to a substantial fall in growth and a slowdown in mining activity in 2013.

103. It should also be emphasized that the current health crisis caused by the Ebola virus outbreak is seriously affecting economic activities.

Education

Recommendation (71.96) Take all measures necessary to increase State financing for education (Belarus).

104. **With regard to recommendation 71.96**, despite the formulation of a sectoral policy letter on education, public funding for education is still well below international standards, as witnessed by the initial finance acts for each of the last five years:

- 16.7 per cent in 2010;
- 17.5 per cent in 2011;
- 13.3 per cent in 2012;
- 15.3 per cent in 2013;
- 11.25 per cent in 2014.

E. Submission of reports to the treaty bodies

105. Guinea has ratified or acceded to most of the international human rights instruments.

106. However, Guinea has failed to comply with its reporting obligations for more than a decade now.

Recommendations: (71.2) Advance significantly in the submission of overdue reports to different treaty bodies (Spain); (71.22) Cooperate fully with the United Nations High Commissioner for Human Rights in accordance with resolution 13/14 of the Human Rights Council, and significantly improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports; and consider the need for external assistance to that end (Norway); (71.23) With the support of international institutions, submit the various pending initial and periodic reports (Niger); (71.24) Improve further its cooperation with all United Nations human rights mechanisms, submitting its overdue reports to treaty bodies, as well as its response to communications of the special procedures (Slovakia).

107. **With regard to recommendations 71.2, 71.22, 71.23 and 71.24**, the Guinean authorities, aware of the situation, have taken steps to eliminate the backlog in the submission of initial and periodic reports to treaty bodies.

108. To this end, the Interministerial Standing Committee on the drafting of initial and periodic reports has been established under Order No. A/2014/3189/PM/CAB of 21 July 2014.

109. A number of measures have been taken in this connection, including:

- The submission of the combined seventh and eighth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women;
- The presentation of the initial report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The approval, in April 2014, of the initial reports on the implementation of the Optional Protocols to the Convention on the Rights of the Child.

G. Cooperation

Recommendations: (71.15) In cooperation with OHCHR, strengthen the education of public order forces and the army with regard to their obligation to respect human rights and international humanitarian law, as well as to fulfil the United Nations basic principles on the use of force and firearms by law enforcement officials (Mexico); (71.18) Continue human rights sensitization campaigns promoting human rights education and training (Senegal); (71.26) Work in close cooperation with the OHCHR in order to establish an OHCHR office within Guinea as quickly as possible (United States); (71.79) Collaborate in a constructive manner with the International Criminal Court and the Office of the United Nations High Commissioner for Human Rights, which will soon be established in the country (Belgium); (71.99) Identify the needs in terms of assistance and capacity-building in areas deemed priority (Senegal); (71.100) Guinea be provided all possible technical and financial assistance it needs by the international community as well as the OHCHR (Pakistan); (71.101) To the international community: assist Guinea technically and financially in meeting the various challenges it faces in the field of human rights (Chad); (71.103) Engage partners at the national, regional and international levels in efforts aimed at building

capacity for Government personnel in the field of human rights, particularly judicial and law enforcement personnel (Malaysia); (71.104) Seek technical and financial assistance from all friendly States and relevant international agencies to assist its efforts in fighting against drug trafficking (Morocco); (71.105) Seek support from the international community, and particularly from United Nations institutions and programmes, in order to establish capacity-building and technical assistance programmes, notably in the areas pertaining to human rights training; child labour; women's rights, particularly female genital mutilation; security, in particular the reinforcement of the army and the judiciary; support for families and communities to help them in fighting against the effects of poverty and HIV/AIDS; education; and juvenile justice (Côte d'Ivoire).

110. With regard to recommendations 71.15 and 71.18, OHCHR, working in collaboration with the Ministry of Human Rights and Civil Liberties, has carried out various actions involving all relevant parties, including:

- The organization of six training workshops for 350 members of the Defence and Security Forces on respect for, and protection of, human rights;
- The organization of a discussion workshop for 20 officials and relevant partners on the introduction of human rights modules in the curricula of military training centres and gendarmerie and police academies;
- The organization of five experience-sharing seminars on transitional justice and national reconciliation;
- The organization of four human rights awareness training workshops for judges and other legal officials;
- The holding of four panel discussions on human rights in three universities.

111. Pursuant to recommendations 71.26 and 71.79, Guinea signed a host country agreement with OHCHR on 4 May 2010, and the corresponding country office was opened on 13 August 2010.

112. With regard to recommendations 71.99, 71.100, 71.101, 71.102, 71.103, 71.104 and 71.105, Guinea has received support from international institutions such as the UNDP, the European Union (EU), the International Organisation of La Francophonie (IOF), the Peacebuilding Fund (PBF) and other bilateral partners who have taken part in activities to promote and protect human rights in Guinea.

H. Recommendations not accepted

Recommendations: (72.1) Accede to and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (Slovenia); (72.3) Adhere to human rights conventions to which Guinea is not yet a party (Niger); (72.6) Immediately establish a moratorium on executions with a view to definitely abolishing death penalty and to adhering to the second Optional Protocol to the International Covenant on Civil and Political Rights (France); (72.7) Reconsider its position and abolish the death penalty, if necessary by initially establishing a moratorium on executions (Slovenia); (72.8) Turn the de facto moratorium existing since 2002 into a de jure moratorium with a view to the definitive abolition of the death penalty for all cases, including serious crimes; commute the current death penalties to penalties of deprivation of liberty; sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights; and that the draft constitution currently in progress include provisions on the abolition of the death penalty (Spain); (72.9) Immediately establish a de jure

moratorium on capital executions, and commute all death sentences pronounced to date into penalties of deprivation of liberty with a view to abolishing the death penalty (Belgium).

113. **With regard to recommendations 72.1, 72.3, 72.6, 72.7, 72.8 and 72.9**, Guinea has implemented the human rights conventions ratified by successive Governments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

114. As to capital punishment, Guinea reiterates its determination to observe the de facto moratorium and intends, in due course, to secure the abolition of the death penalty by means of a national campaign.

Recommendations: (71.25) Strengthen its cooperation with the Human Rights Council special procedures and treaty bodies in order to improve the performance by Guinea of its international obligations (Ukraine); (72.4) Issue a standing invitation to special procedures of the United Nations human rights system (Brazil); (72.5) Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia).

115. **With regard to recommendations 71.25, 72.4 and 72.5**, Guinea supports cooperation with, and extending standing invitations to, United Nations human rights special procedures mandate holders.

IV. Concluding remarks

116. The protection and promotion of human rights are at the heart of the concerns of the Republic of Guinea, since there can be no hope of any development or social and institutional stability without respect for human dignity and the principles that govern a State based on the rule of law.

117. Aware of this situation and despite a particularly difficult economic climate and complex structural realities, Guinea is committed to undertaking ambitious and courageous reforms aimed at building a democratic society that respects human rights.

118. The various painful events that Guinea has lived through in recent times, in particular the events of 28 September, political demonstrations, the incidents in Zogota and Diéké and, more recently, in Womey, are a reminder of the fragile nature of the process of building a democratic State that respects human dignity and the principles of justice, as Guinea desires.

119. Efforts must be continued and strengthened at all levels of the State and civil society, in particular by providing support for the Ministry of Human Rights and Civil Liberties in the implementation of its priority actions, which include:

- The holding of national consultations on human rights in Guinea;
- The inclusion of human rights education in school curricula;
- The effective implementation of the resolution on technical cooperation adopted unanimously at the twenty-fifth session of the Human Rights Council in Geneva.