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Guinea

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Introduction

1. The present report is being submitted by the Republic of Guinea for the third cycle of the universal periodic review, following the consideration of its second report by the Working Group on the Universal Periodic Review on 20 January 2015.

I. Process of preparing the report

2. This report follows the general guidelines adopted by the Human Rights Council in preparation for the third cycle. Chapter I, on the process and methodology followed for the preparation of the report, corresponds to paragraph A of the guidelines, which are contained in section II of Human Rights Council decision 17/119; chapter II, on normative and institutional developments, corresponds to paragraph B; chapter III corresponds to paragraphs C, D, E, F and G; and chapter IV contains concluding remarks. The frame of reference for the report is the Universal Declaration of Human Rights. During its second review, in January 2015, Guinea received 194 recommendations. It accepted 179 of those recommendations and expressed reservations about the remaining 15 (recommendations 118.4, 118.5, 118.6, 118.7, 118.8, 118.9, 118.10, 118.11, 118.88, 118.89, 118.90, 118.91, 118.92, 118.93 and 118.94).

3. The report of Guinea was prepared through an inclusive and participatory process that involved the whole of Guinean civil society.

4. The process began with a refresher course for members of the interministerial committee, held in Kindia from 1 to 3 April 2019. The course was run by the Ministry of Citizenship and National Unity, with technical and financial support from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

5. With a view to preparing the first draft of the report, the Ministry of Citizenship and National Unity held a retreat in Kindia from 17 to 23 June 2019, in collaboration with the OHCHR country office in Guinea.

6. The report was approved by the Council of Ministers on 3 October 2019.

7. The approved report was shared with the members of the interministerial committee and civil society organizations at a workshop held on 23 and 24 October 2019 with technical and financial support from OHCHR.

II. Developments in the normative and institutional framework

A. Normative framework

8. Since its second universal periodic review, Guinea has adopted a number of laws with the aim of continuing and consolidating the process of promoting and protecting human rights. These include laws on sectoral rights, the independence of the judiciary and the prevention and punishment of human rights violations.

9. All of these laws were taken into account in the national policy statement on the promotion and protection of human rights, which was approved by the Council of Ministers on 25 August 2019.

10. The following instruments help generally to strengthen the overall framework for the promotion and protection of human rights:

- Act No. L/2015/009/AN of 4 June 2015 on the Maintenance of Public Order in the Republic of Guinea
- Act No. L/2015/019/AN of 13 August 2015 on the Organization of the Courts in the Republic of Guinea
- Act No. L/2016/037/AN of 28 July 2016 on Cybersecurity and the Protection of Personal Data

- Act No. L/2016/075/AN of 30 December 2016 on Financial Governance in Public Institutions in Guinea, amended by Act No. L/2017/056/AN of 8 December 2017
- Act No. L/2017/039/AN of 24 February 2017 establishing the revised Electoral Code, promulgated by Decree No. D/2017/193/PRG/SGG of 27 July 2017
- Act No. L/2017/037/AN of 31 May 2017 establishing the Code of Military Justice
- Act No. L/041/2017/AN of 17 August 2017 on the Prevention, Detection and Punishment of Corruption, promulgated by Decree No. D/2017/219/PRG/SGG of 4 July 2017
- Act No. L/2018/021/AN of 15 May 2018 on Equal Opportunities for Persons with Disabilities, promulgated by Decree No. D/2018/108/PRG/SGG of 13 July 2018
- Decree No. D/2016/261/PRG/SGG of 25 August 2016 on the Composition, Organization and Functioning of the Disciplinary Council of the National Police and Civil Defence Forces
- Decree No. D/2016/262/PRG/SGG of 25 August 2016 establishing the Code of Ethics of the National Police
- Decree No. D/2016/263/PRG/SGG of 25 August 2016 establishing the Code of Ethics of the Civil Defence Forces
- Order No. 6023/MSPC/2016 establishing the Disciplinary Code 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

11. Guinea is a party to most international human rights treaties, including the following core instruments:

- (a) The International Covenant on Economic, Social and Cultural Rights;
- (b) The International Covenant on Civil and Political Rights;
- (c) The International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) The Convention on the Elimination of All Forms of Discrimination against Women;
- (e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (f) The Convention on the Rights of the Child;
- (g) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (h) The Convention on the Rights of Persons with Disabilities;
- (i) The Rome Statute of the International Criminal Court.

12. In line with recommendations 118.1, 118.2 and 118.3, Guinea has ratified the International Covenant on Economic, Social and Cultural Rights. In doing so, Guinea undertook to act in accordance with article 2 (1) of the Covenant by taking steps to the maximum of its available resources with a view to achieving progressively the full enjoyment of the rights recognized in the Covenant, as well as the realization of the right to development, pursuant to the Declaration on the Right to Development that was adopted by the General Assembly in 1986.

13. Regarding the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, there are still some challenges to be overcome before that instrument can be signed and ratified by Guinea.

14. With regard to recommendations 118.4, 118.5, 118.6, 118.7, 118.8, 118.9, 118.10, 118.11, 118.24, 118.91, 118.92, 118.93 and 118.94, the death penalty has not been applied in Guinea since 2003. This means that the country has observed a de facto moratorium.

There is no mention of the death penalty in the new Criminal Code, which was promulgated on 26 October 2016 as part of the major reforms undertaken by the Government of Guinea. This shows the willingness of the Guinean authorities to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which is a very important instrument for the protection of human rights.

15. In line with recommendations 118.12, 118.13, 118.14, 118.15, 118.16, 118.17, 118.18, 118.19, 118.20, 118.21, 118.22, 118.23 and 118.38, Guinea has been a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since October 1989. Article 6 of the Constitution stipulates that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

16. Torture is defined as a criminal offence in articles 232 et seq. of the new Criminal Code. The adoption of this text by the National Assembly has thus filled a gap in the law.

17. There is still work to be done as regards the ratification of the Optional Protocol to the Convention against Torture.

18. Regarding recommendations 118.25, 118.26, 118.27, 118.28, 118.29 and 118.30, Guinea has a legal arsenal that ensures respect for the principle of gender equality, including the Constitution, the Criminal Code, the Convention on the Elimination of All Forms of Discrimination against Women and Act No. L/010/AN/2000 on Reproductive Health, which protects the physical integrity of women and criminalizes violations of that integrity. Guinea has also ratified the core international and regional instruments on the rights of women.

19. The process of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is under way.

20. As regards recommendations 118.31 and 118.32, article 225 of the Criminal Code establishes that:

Enforced disappearance consists in the arrest, detention, abduction or any other form of deprivation of liberty of a person, in conditions that place the person outside the protection of the law, by one or more agents of the State or by a person or group of persons acting with the authorization, support or acquiescence of the State authorities, where such actions are followed by the person's disappearance and accompanied by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person. Enforced disappearance shall be punishable by rigorous imprisonment for life.

21. This definition of the offence of enforced disappearance shows the willingness of the Guinean authorities to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

22. Under article 703 of the new Code of Criminal Procedure, Guinea is required to play a role in the punishment of offences such as the recruitment of child soldiers, which is considered a war crime, and to cooperate with the International Criminal Court on the terms set forth in the Code. In addition, the Criminal Code and the Code of Criminal Procedure incorporate all of the provisions of the Rome Statute of the International Criminal Court (recommendations 118.33 and 118.34).

23. As regards recommendation 118.35, Guinea has acceded to the first two Optional Protocols to the Convention on the Rights of the Child; it has not yet acceded to the third Optional Protocol thereto, on a communications procedure.

24. Guinea intends to cooperate fully with the international judicial authorities in their investigations into the events of 28 September. To that end, the provisions of the Rome Statute were taken into account during the revision of the Criminal Code and the Code of Criminal Procedure (recommendation 118.36).

25. As regards recommendation 118.37, the Government has already given the investigators permission to enter the territory of Guinea to conduct their investigation into the events of 28 September and to publish their findings.

B. Institutional framework

26. Since 2015, Guinea has been working to establish new institutions for the defence of human rights and to strengthen existing ones. These institutions include:

- The Constitutional Court
- The National Assembly
- The National Ombudsman
- The Independent National Human Rights Institution
- The High Communications Authority
- The Court of Auditors
- The Ministry of Citizenship and National Unity, which is now responsible for human rights issues
- The Military Court
- The Supreme Council of Justice
- The Commercial Court

27. In line with recommendations 118.57 and 118.61, despite extremely challenging economic circumstances, the Government of Guinea has made huge sacrifices in order to establish and/or reinforce human rights institutions, thus contributing significantly to the strengthening of the national architecture for the promotion and protection of human rights.

28. As regards recommendations 118.45, 118.46, 118.47, 118.48, 118.49, 118.50, 118.51, 118.52, 118.53, 118.54, 118.55 and 118.56, articles 146 and 147 of the Constitution are focused on the Independent National Human Rights Institution. In accordance with these provisions, the Government of Guinea established an institution of that kind in 2014, pursuant to Organic Act No. L/008/CNT/2011 of 14 July 2011 and Decree No. D/2014/261/PRG/SGG of 30 December 2014.

29. The Independent National Human Rights Institution is composed of 33 members and has been allocated around 6,910,170,000 Guinean francs (GF), or US\$ 751,000 (source: Initial Finance Act 2018). The Government intends to continue to try to increase the resources available to the Institution in order to give it greater autonomy and thus ensure its independence. The Institution's Bureau recently underwent a partial reshuffle, which led to the arrival of new members.

30. The Institution has published two reports on the human rights situation, in 2018 and 2019, and has held seven sessions since it was set up, the last of which took place in June 2019.

31. The next reform of the Institution will concern the revocation of the right to vote of government representatives.

III. Promotion and protection of human rights

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

32. Article 5 of section II of the Constitution reads as follows: "The human person and human dignity are inviolable. The State has a duty to respect and protect them. The rights and freedoms listed below are inviolable, inalienable and imprescriptible. They are the foundations of all human society and guarantee peace and justice in the world." Article 8 stipulates that: "All human beings are equal before the law. Men and women have the same rights. No one shall be afforded privileges or suffer disadvantage on account of his or her sex, birth, race, ethnicity, language, beliefs or political, philosophical or religious views."

33. Guinea has adopted a number of laws in order to give effect to these provisions, including:

- Act No. L/010/AN/2000 of 10 July 2000 on Reproductive Health, which prohibits female genital mutilation, protects the physical integrity of women and provides for the punishment of violations under criminal law
- The Parity Act
- Articles 313–318 of the Criminal Code, which prohibit all forms of discrimination, whether committed by natural or legal persons, in various spheres of life; discrimination is punishable by 1 to 3 years' imprisonment and a fine ranging from GF 500,000 to GF 10 million
- The Labour Code
- The Local Government Code
- The Public Health Code
- The Children's Code

34. The following regulations have also been adopted:

- The Joint Order of the Ministry of Social Action, the Advancement of Women and Children's Affairs, the Ministry of Health, the Ministry of Security and Civil Defence, the Ministry of Justice and the Ministry of Territorial Administration and Decentralization, prohibiting female genital mutilation in public and private health facilities in Guinea.
- The Order of the Minister of Communications prohibiting the dissemination of notices, announcements or advertisements for female genital mutilation ceremonies.
- The Order of the Ministry of Security and Civil Defence on monitoring the effective implementation of laws for the prevention and punishment of female genital mutilation.

35. Guinea has ratified the main international and regional instruments on the rights of vulnerable persons:

- (a) The International Covenant on Economic, Social and Cultural Rights;
- (b) The Convention on the Elimination of All Forms of Discrimination against Women;
- (c) The Convention on the Rights of the Child;
- (d) The Convention on the Rights of Persons with Disabilities;
- (e) The African Charter on the Rights and Welfare of the Child.

36. Guinea has also adopted a national gender policy, which was revised in 2018.

37. This policy, which addresses the current development challenges facing the country and the needs of women in the socioeconomic, cultural, religious and environmental spheres, envisages the building of a society that is free from all forms of inequality and inequity and that enables all persons – whether men, women, girls or boys – to realize their potential and to develop fully.

38. As regards recommendations 118.39, 118.40, 118.43, 118.82, 118.83, 118.86 and 118.134 on measures and policies for countering discrimination more effectively, Guinea has launched a number of programmes, projects and activities, including:

- The Programme for Increased Participation of Women and Young Persons in the Civil Service
- The 2016–2020 National Strategic Plan for Reproductive, Maternal, Newborn, Child, Adolescent and Young People's Health
- The 2019–2023 National Strategic Plan to End the Practice of Female Genital Mutilation

- The 2015–2018 Gender Equality Plan
- The Gender Equality and Women’s Empowerment Project
- The establishment of saving and credit cooperatives for African women
- The National Observatory on Gender-based Violence
- The National Office for the Protection of Gender, Children and Morals
- The National Committee to Combat Trafficking in Persons and Related Practices
- The establishment of an expanded thematic group on gender
- The establishment of regional committees to bring an end to the practice of female genital mutilation
- The establishment of centres for the empowerment and advancement of women
- The preparation of the national report on the elimination and prevention of violence against women and girls
- The preparation of the national report for the 20-year review of the implementation of the Beijing Declaration and Platform for Action
- The establishment of multifunctional platforms

39. As regards recommendations 118.84, 118.167, 118.175 and 118.176 on measures for promoting women’s access to employment and for increasing the number of women in decision-making positions, article 4 of the Labour Code of 10 January 2014 establishes the principle of non-discrimination in the field of work and employment in Guinea.

40. Under the Code, employers and their representatives are prohibited from taking into consideration sex, age, national origin, 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, employment benefits, disciplinary measures or termination of employment contracts.

41. With a view to ensuring the effective implementation of these provisions, the Government of Guinea has launched the Programme for Increased Participation of Women and Young Persons in the Civil Service.

42. There are 64 women currently working in the judicial system, including 41 women in decision-making positions, out of 369 persons in total.

43. As regards recommendations 118.186, 118.187 and 118.189 on measures for ensuring equal access to education for girls, the Government has undertaken many initiatives in order to raise the level of enrolment among girls in Guinea, including:

- Establishing a chair in gender issues at the University of General Lansana Conte in Sonfonia
- Launching programmes to support girls and women in higher education and scientific research
- Establishing gender and equity offices in all higher education and scientific research institutions
- Funding the education of 16 women trainee teachers at the master’s degree level
- Creating an excellence prize for women and girls, which is awarded at the start of each calendar year
- Setting up an education system ethics committee
- Creating an excellence prize for girls who pass national examinations, by Order No. A/2016/908/MESRS/CAB/SGG of 7 April 2016
- Creating an incentive prize for the families of girls who remain in education for longer
- Awarding scholarships to deserving girls

- Setting up a mentoring system
- Establishing a national fund to support girls' education

44. According to the results of the 2014 general population and housing census, 68 per cent of the population is illiterate, and women account for 75 per cent of that group. Only 24.7 per cent of women aged 15 years or over are literate, compared with 54.9 per cent of men.

45. The gross enrolment ratio at the primary school level is 84.5 per cent for the country as a whole, compared with 75.6 per cent for girls and 68.8 per cent in rural areas.

46. The gross enrolment ratio for the first year of primary school is 98.9 per cent overall, compared with 93.1 per cent for girls and 104.4 per cent for boys.

47. In 2015/16, there were 673,633 students enrolled in lower or upper secondary education, of whom 258,871 were girls and 414,762 were boys, compared with a total secondary school-age population of 1,772,348 children, including 926,030 girls and 846,318 boys. The gross enrolment ratio was therefore 38 per cent overall and 28 per cent for girls, compared with 49 per cent for boys.

48. At the upper secondary level, there were 202,544 students, of whom 72,269 were girls and 130,275 were boys, compared with a total upper secondary school-age population of 687,951, comprising 363,511 girls and 324,440 boys. The gross enrolment ratio was therefore 29.4 per cent overall and 19.9 per cent for girls, compared with 40.2 per cent for boys.

49. According to the 2016–2017 statistical analysis report published by the Strategy and Development Office of the Ministry of Higher Education and Scientific Research, although access to higher education is increasing overall, it remains low among girls (29.62 per cent), especially in scientific and technical fields.

50. In the light of these findings, there are further challenges to be addressed in order to ensure equal opportunities in the fields of employment and education:

- The shortage of teaching staff who have received training on gender issues
- The lack of interest among girls in pursuing scientific and technical courses of study
- The shortage of accommodation for girls at higher education institutions
- Sociocultural constraints (burden of responsibility for domestic tasks, unwanted pregnancies, etc.)

51. With regard to recommendations 118.85, 118.113, 118.114, 118.115, 118.116, 118.117, 118.118, 118.119, 118.120, 118.121, 118.122, 118.123, 118.124, 118.125, 118.126, 118.127, 118.129, 118.130, 118.131, 118.132 and 118.133 on female genital mutilation, it should be noted that some practices of that kind persist even though they have been prohibited.

52. The Government, in collaboration with its partners, has made considerable efforts to bring about a shift in attitudes and a change in behaviour, including through an awareness-raising campaign encouraging people to hand in knives, the Joint Programme and the National Strategic Plan. It has also adopted legislation and regulations prohibiting and severely punishing acts of female genital mutilation and has established facilities, trained public officials and raised awareness among practitioners, local and religious authorities and the general public in order to combat female genital mutilation. According to a report published in 2018 by the United Nations Children's Fund (UNICEF), 23 cases of female genital mutilation have been brought before the courts through the National Office for the Protection of Gender, Children and Morals. To date, 17 perpetrators have been convicted, one of whom is a nurse.

53. Women's access to sexual and reproductive health care and prenatal care in Guinea is already satisfactory, with coverage rising from 82 per cent in 2005 to 84 per cent in 2016.

54. Over the same period, the proportion of births that took place in a health facility rose from 31 per cent to 57 per cent, while the proportion of births attended by a skilled health worker almost doubled, rising from 38 per cent to 63 per cent.

55. Nevertheless, there are still some disparities linked to the place of residence and the level of economic well-being of households.

56. Thus, in 2016, while over 90 per cent of births in urban areas were attended by a skilled health worker, this was the case for fewer than 50 per cent of births in rural areas. Likewise, only a little over 25 per cent of births to women living in the poorest households were attended by a skilled health worker, compared with almost all births to women living in the wealthiest households.

57. The progress made with respect to prenatal health-care coverage and skilled health worker attendance at birth has led to a significant drop in the maternal mortality ratio, which fell from 980 maternal deaths per 100,000 live births in 2005 to 724 in 2012 and 550 in 2016, or by an average of almost 7 per cent per year between 2012 and 2016.

58. Despite large-scale awareness-raising campaigns on family planning, the use of modern contraceptive methods remains very limited.

59. As regards recommendations 118.107, 118.108, 118.109 and 118.128 on domestic violence, the proportion of women who have been subjected to some form of violence since they turned 15 years old fell from 9 out of 10 women in 2009 to 8 out of 10 women in 2016.

60. Physical violence (56 per cent in 2016 compared with 77 per cent in 2009) and sexual violence (29 per cent in 2016 compared with 50 per cent in 2009) are becoming less prevalent.

61. Under Guinean legislation, various remedies are available to victims of gender-based violence. These remedies may be medical, psychosocial, legal or judicial. However, because the vast majority of victims of gender-based violence are women and girls in situations of economic vulnerability coupled with other factors linked to customs and traditions, the misinterpretation of religious principles and the poor functioning of the State apparatus in some areas, these remedies are rarely used and have not had satisfactory results.

62. As regards recommendations 118.110 and 118.111 on early marriage, more than one fifth of all girls in rural areas are married before the age of 15 and more than half are married before the age of 18. This exposes girls to violence and abuse, prevents them from leading their lives as they wish and considerably reduces their chance of a better future.

63. Under the new Civil Code, the minimum legal age for marriage is now 18 years for both girls and boys.

64. As regards recommendations 118.58, 118.134, 118.135 and 118.137 on measures to promote and protect children's rights, in 2008, Guinea drafted and adopted the Children's Code, which reflects the provisions of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

65. The State reports periodically on the situation of children in Guinea to the Committee on the Rights of the Child as part of its cooperation with human rights mechanisms and has drawn up a national action plan for the realization of children's rights.

66. A programme for the alignment of national legislation with the Convention on the Rights of the Child is under way. Under the new Civil Code, all children, whether they are born of an out-of-wedlock, adulterous or incestuous relationship, have the same status and rights. Similarly, the age of majority has been defined as 18 years old for both girls and boys.

67. Under the action plan of the Ministry of Social Action, the Advancement of Women and Children's Affairs, the following strategic objectives are being pursued:

- Protection of children's health in schools
- Protection of children from ill-treatment, exploitation and violence
- Protection from physical and sexual abuse

- Legal protection of minors
- Minors in conflict with the law
- Community childcare for young children

68. Various bodies have been established by civil society organizations in order to supplement the set of government measures taken to promote and protect children's rights, including:

- The Children's Parliament of Guinea
- The Children's and Young People's Advisory Council of Guinea, which was set up to counter violence against children
- The Movement of Working Children and Youth in Guinea
- School clubs
- The Girl Leaders' Club

69. As regards recommendations 118.78, 118.79, 118.80 and 118.81 on birth registration as a means of safeguarding children's legal identity and one of their fundamental rights, Guinea has made significant progress.

70. In 2016, three out of four children – girls and boys alike – were registered by the registry office. The birth registration rate is not the same in all parts of the country: although it is as high as 90 per cent in urban areas, it is 67 per cent in rural areas, which is where almost two thirds of the population live.

71. There have been many nationwide awareness-raising campaigns to promote birth registration. The Government, UNICEF and Plan International contribute funding and resources to support birth registration procedures. Birth certificates are issued free of charge and the application deadline has been extended from one week to six months in order to ensure that all children can be registered and allow for late applications.

72. As regards recommendations 118.136, 118.138 and 118.139 on child labour, in December 2001 Guinea ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

73. Regarding recommendations 118.33 and 118.34 on protecting children from the consequences of armed conflict, thanks to a programme carried out jointly by the Government and its technical partners, children of Guinean origin who fought in the civil wars in Sierra Leone and/or Liberia have been identified and repatriated, with a view to their reintegration into society. Similar efforts have been made with respect to foreign refugee children in Guinea.

B. Right to life, administration of justice, and torture

74. Article 6 of the Constitution reads as follows:

All persons have the right to the free development of their personality. All persons have the right to life and to physical and mental integrity; no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be obliged to execute a manifestly unlawful order. The definition of a manifestly unlawful order shall be established by law. No one may invoke an order or instruction as justification for acts of torture, abuse or cruel, inhuman or degrading treatment committed in the performance of or in connection with his or her duties. No exceptional circumstances or emergency may be invoked as justification for human rights violations.

75. While these rights are enshrined in general terms in the Constitution, other legislative texts, such as the Criminal Code, the Code of Criminal Procedure, the Children's Code and the Code of Military Justice, establish specific penalties for violations of these rights.

76. In line with recommendations 118.144, 118.150 and 118.154 on the reform of the justice system, Guinea has taken many measures to improve the administration of justice and combat impunity.

77. These measures include the adoption of laws and regulations such as:

- Act No. L/2015/019/AN of 13 August 2015 on the Organization of the Courts
- Act No. L/059/2016/AN of 26 October 2016 establishing the Criminal Code
- Act No. L/060/2016/AN of 26 October 2016 establishing the Code of Criminal Procedure
- Act No. L/037/2016/AN of 28 July 2016 on Cybersecurity and the Protection of Personal Data, which covers the agencies responsible for combating cybercrime
- Act No. L/003/2017/AN of 23 February 2017 on the Responsibilities, Structure and Functioning of the Supreme Court
- Act No. L/041/2017/AN of 17 August 2017 on the Prevention, Detection and Punishment of Corruption and Related Offences
- Decree No. D/2017/337/PRG/SGG of 28 December 2017 promulgating Act No. L/2017/037/AN of 31 May 2017 establishing the Code of Military Justice
- Decree No. D/309/SGG/PRG/2016 of 31 October 2016 on the Legal Regime Governing Prisons
- Decree No. D/310/SGG/PRG/2016 of 31 October 2016 on the Regulations Governing Prison Staff

78. Institutional measures include:

- The establishment of the Military Court
- The establishment of the Commercial Court, under Act No. L/019/2015/AN of 13 August 2015, amended by Act No. L/033/2017/AN of 4 July 2017
- The establishment of the National Committee to Combat Trafficking in Persons and Related Practices, under Decree No. D/039/2017/PRG/SGG of 17 February 2017
- The establishment of the Constitutional Court
- The establishment of the Court of Auditors

79. The National Directorate for Access to the Law and to Justice, the National Directorate of Legislation and the National Directorate of Correctional Education and Legal Protection for Young Persons have been set up within the Ministry of Justice. In addition, in regions throughout the country, there are community justice centres that also serve as legal clinics.

80. Under the new law on the organization of the courts in Guinea, 26 magistrates' courts have been turned into courts of first instance with jurisdiction over criminal matters, and assize courts have been abolished. This means that the powers of prosecution and judgment have been separated. This law enables defendants to benefit from the second hearing principle in criminal matters and considerably reduces the length of detention pending trial, the cost of proceedings and the average distance travelled by defendants.

81. Notable programmes and projects include:

- The National Policy for Reform of the Justice Sector, which is accompanied by a priority action plan for reform of the justice sector for 2015–2019
- The Programme to Support the Justice Sector Reform
- The project on the atrocities of 28 September and the promotion of human rights
- The project to support the strengthening of the criminal justice system and the elimination of impunity

82. As regards recommendations 118.95, 118.96, 118.97, 118.102, 118.104, 118.143, 118.145, 118.146, 118.147, 118.148, 118.151, 118.153 and 118.158 on combating impunity and torture, these are prohibited by article 6 of the Constitution.
83. Torture is defined as a criminal offence in articles 232 et seq. of the new Criminal Code. Acts of torture are now punishable by a fine ranging from GF 500,000 to GF 5 million and by 5 to 20 years' rigorous imprisonment. A gap in the law has thus been filled.
84. 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.
85. One is the case brought against the commander of the 7th Anti-Crime Brigade and others by the public prosecutor's office on the basis of a complaint filed by the Organisation guinéenne de défense des droits de l'homme (Guinean Organization for Human Rights) and Les Mêmes Droits pour Tous (The Same Rights for All) with support from the International Federation for Human Rights Leagues, concerning the torture of Mr. Ahmadou Diogo Sow in Kakimbo in 2016, after he was arrested during a demonstration by the political opposition.
86. Another is the case involving the police captain Salifou Walto Soumaoro and others, who were prosecuted for torture and violence and subsequently sentenced to 6 years' rigorous imprisonment and ordered to pay damages of GF 10 million, in judgment No. 8 of 4 February 2019 of the Dixinn Court of First Instance in Conakry.
87. Another is the case brought by the public prosecutor's office against the police captain Kaly Diallo for manslaughter in the death of Thierno Hamidou Diallo as a result of unintentional injuries, and for assault and battery, which led to his being sentenced to 10 years' rigorous imprisonment and ordered to pay damages of GF 50 million to the claimants, in decision No. 9 of 4 February 2019 of the Dixinn Court of First Instance in Conakry.
88. The legislative framework governing public demonstrations has been strengthened by the adoption of Act No. L/009/2015/AN of 4 June 2015 on the Maintenance of Public Order.
89. Under this law, only conventional weapons, such as tear gas and other riot control agents, water cannons and truncheons, may be used to maintain public order. Firearms may be used only in self-defence or in cases of absolute necessity, and in a manner that is appropriate and proportionate.
90. Mob justice and lynching, which are becoming a particular concern, are classified under the Criminal Code as assault and battery or murder, depending on the case.
91. In order to tackle this growing problem, the State has prosecuted a number of alleged perpetrators. In Siguiri, for example, three young persons were sentenced to rigorous imprisonment for life on 6 June 2018.
92. As part of the effort to end impunity, 26 persons accused of killing 8 members of a group that was raising awareness of Ebola in Ouomé in September 2014 were tried by assize court judges sitting outside their court, in N'Zérékoré, in proceedings that began on 23 March 2015. At the end of the trial, 11 of the accused were sentenced to rigorous imprisonment for life and 15 were acquitted for lack of evidence.
93. In line with recommendations 118.105 and 118.106 on conditions of detention, article 1048 of the new Code of Criminal Procedure establishes that: "Persons who have been formally charged, persons on remand and persons subject to pretrial detention shall be held in short-stay prisons. There shall be a short-stay prison in the vicinity of every court of first instance and every appeal court."
94. It is possible for detainees to challenge the lawfulness of their detention in court. They or their counsel may request provisional release at any stage in the proceedings. The investigating judge must transmit any such requests to the prosecutor within 48 hours.
95. Article 1051 of the Code of Criminal Procedure reads as follows:

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

- If the persons concerned request otherwise
- If it is in their best interests not to be left alone, in view of their personality
- If it is necessary for organizational reasons, in cases where the persons concerned have been given permission to work or to undertake a vocational or academic course

In cases where persons who have been formally charged, persons on remand and persons subject to pretrial detention are placed in shared cells, the cells must be of an appropriate size for the number of detainees concerned. The detainees in question must be capable of sharing a cell peacefully. Their safety and dignity must be ensured.

96. The Government has just adopted two texts:

- Decree No. D/309/SGG/PRG/2016 of 31 October 2016 on the Legal Regime Governing Prisons
- Decree No. D/310/SGG/PRG/2016 of 31 October 2016 on the Regulations Governing Prison Staff

97. The Government has taken various measures to improve conditions of detention. These measures have led to improvements in the department responsible for prison food, among other things.

98. A number of other initiatives and projects have been launched, including:

- The Prison Construction and Renovation Programme
- The reform programme for the professionalization of the police and gendarmerie through the development of a code of conduct, training sessions and awareness-raising activities
- The project for the construction and renovation of court infrastructure
- The provision of in-service training for all persons working in the criminal justice system, including lawyers
- The granting of permission for independent monitoring of prisons and detention centres managed by the gendarmerie
- The establishment of the National Directorate for Prison Administration and Reintegration
- The Prison Staff Training Programme

99. Guinea has eight long-stay prisons, five of which are under the jurisdiction of the Conakry Appeal Court and three of which are under the jurisdiction of the Kankan Appeal Court. There are 23 civil prisons, 13 of which are under the jurisdiction of the Conakry Appeal Court and 10 of which are under the jurisdiction of the Kankan Appeal Court.

100. There is a civil prison in most prefectures that have a magistrate's court, with the exception of Macenta in Guinée Forestière, Mandiana in Haute-Guinée and Koubia and Tougué in Moyenne Guinée.

101. In each administrative region, there are temporary lock-ups for persons taken into custody on the premises of the regional police directorate, the central police station, the city police station, the mobile security and response unit, the regional gendarmerie station, the territorial gendarmerie unit and the mobile gendarmerie squadron. In the other prefectures, there are police custody facilities in police and gendarmerie stations only.

102. A common feature of detention centres in Guinea is that they are in a dilapidated state because they were almost all built during the colonial period or in the first few years after the country gained its independence, and they were designed to accommodate a very small number of detainees. They are all currently filled to beyond their real capacity. For example, the long-stay prison in Conakry, which is the largest detention centre in the

country, had a population of 1,573 prisoners in 2017, but was designed to accommodate 300.

103. As regards the provision of care, the only psychiatric facility that treats detainees who are in need of psychological and medical care is the Donka Teaching Hospital in Conakry. As a result, it is difficult to ensure that detainees in other areas of the country can be examined and receive the necessary care.

104. Lastly, over the past few years, the core provisions of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), which were adopted by the General Assembly on 14 December 1990, and the Standard Minimum Rules for the Treatment of Prisoners have served as a reference for the national commission in charge of revising criminal legislation, including the Criminal Code, the Code of Criminal Procedure and the Children's Code.

105. In accordance with article 10 (2) and (3) of the International Covenant on Civil and Political Rights and paragraph 8 of the Standard Minimum Rules for the Treatment of Prisoners, different categories of prisoners must be kept separately, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.

106. Under the two new decrees on prison administration mentioned above, prisons must be organized in such a way as to ensure that different categories of prisoners are kept in separate institutions or parts of institutions, depending on their sex, status and age, and must be staffed by an adequate number of skilled and qualified persons who demonstrate respect for human rights.

107. There are no prisons for women only. Women prisoners are held in specific sections or cells of the various prisons.

108. There are no specialized rehabilitation centres for minors in conflict with the law. Such minors are therefore held together with adults in most prisons throughout the country, including the long-stay prison in Conakry.

109. In order to avoid the detention of minors in conflict with the law in police custody cells or in prisons, the Ministry of Social Action, the Advancement of Women and Children's Affairs, OHCHR and several civil society organizations work to ensure that such minors are released and returned to their families in order to be reintegrated into society and working life, or that a friendly settlement is reached with the complainant.

110. In 2016, the Ministry of Justice established a commission to monitor pretrial detention (Order No. 2016/007/MJ/CAB/ of 15 January 2016). The commission was mandated to conduct a review and a comprehensive survey of persons being held in pretrial detention in prisons. It was also tasked with developing measures to facilitate the release of persons being held in pretrial detention and to improve the practical management of pretrial detention in prisons.

111. According to the figures provided by the 27 prisons visited by the commission in 2016, a total of 1,548 persons were being held in pretrial detention. The length of time for which they had been detained varied from less than a year to more than 13 years. Of those 1,548 pretrial detainees, 700 were being held for serious offences and the remainder for lesser offences.

112. The public authorities now permit local humanitarian and religious organizations to visit prisons, including the long-stay prison in Conakry, to provide medical care and food to those most in need.

113. As regards recommendations 118.36, 118.60, 118.62, 118.70, 118.112, 118.141, 118.142, 118.149, 118.152, 118.155, 118.157, 118.159 and 118.160 on the events of 28 September 2009 and national reconciliation, the proceedings in relation to these events entered a new phase with the establishment of a steering committee on 13 April 2018.

114. The steering committee is responsible for organizing the trial in Guinea, mobilizing the necessary financial resources and establishing a mechanism for the protection of judges,

victims, witnesses and everyone else involved in the trial, as well as a compensation mechanism for victims.

115. At a hearing held on Wednesday, 26 June 2019, the Supreme Court rejected the partial appeal filed by the parties claiming damages against the reclassification of the events of 28 September 2009 as ordinary crimes and against the decision to discontinue proceedings against two military officers who are alleged to be perpetrators.

116. The Supreme Court's decision, which cannot be appealed, paves the way for a trial concerning these events to be held in Guinea.

117. As part of the reconciliation process, the provisional commission submitted a report to the President of the Republic in June 2016 on the outcome of the consultations that had been undertaken.

118. In line with the recommendations contained in that report, a preliminary bill on the establishment of a truth, justice and reconciliation commission was drafted and approved at a workshop, held in 2016 with the support of OHCHR, that brought together all the relevant actors, including political authorities, technical and financial partners, victims' associations and civil society.

119. The new organizational structure of the Ministry of Citizenship and National Unity includes the National Directorate for Reconciliation, which is tasked with developing tools to facilitate the reconciliation process that are appropriate to the Guinean context.

120. As regards recommendations 118.98, 118.99, 118.100, 118.101, 118.103 and 118.156 on human rights training for the defence and security forces, the second sentence of article 25 of the Constitution establishes that: "The State must incorporate human rights into literacy and education programmes at all levels of school and university and into all training programmes for the armed forces, the public security forces and equivalent entities."

121. With that in mind, the Government has launched a number of programmes, including:

- The training programme for officers on intervention techniques, shooting techniques and professional intervention (January and February 2017)
- The training programme for officers on surveillance and shadowing techniques and on arresting dangerous individuals in the street (2016 and 2017, under the Security Sector Reform Support Programme funded by the European Union)
- The ongoing capacity-building programme for the development of community policing that is more proactive than reactive; community policing is already operational in the pilot areas
- The programme for the technical reinforcement of the Investigation and Intervention Brigade, carried out in 2016
- The reopening of the National Police and Civil Defence Academy in September 2016
- Support for the work of the gendarmerie academies in Sonfonia and Kalya

122. Guinea has continued its efforts to strengthen the institutions responsible for the promotion and protection of human rights, including the Independent National Human Rights Institution, the Constitutional Court, the High Communications Authority, the National Ombudsman and the Ministry of Citizenship and National Unity.

123. When the Government was reorganized, the Ministry of Human Rights and Civil Liberties became the Ministry of Citizenship and National Unity, which has a broader remit. The new Ministry deals not only with human rights but also with issues relating to citizenship, conflict prevention, the preservation of peace, and reconciliation.

124. In another institutional development, the administrative and constitutional division of the Supreme Court has been turned into the Constitutional Court, which is responsible for ensuring the constitutionality of all laws and regulations and has jurisdiction over matters relating to human rights and fundamental freedoms.

125. Likewise, the audit division of the Supreme Court has been turned into the Court of Auditors.

C. Fundamental freedoms

126. Article 7 of the Constitution reads as follows:

All persons have freedom of belief and thought and freedom to profess their religious faith and their political and philosophical opinions. They are free to express, manifest and impart their ideas and opinions through speech, writing and images. They are free to educate and inform themselves using sources that are accessible to everyone. Freedom of the press is guaranteed and protected. Press and media outlets that provide information on politics, the economy, social issues, culture, sports, leisure or science may be freely established. All citizens are guaranteed the right of access to public information. The conditions governing the exercise of these rights and the rules and conditions governing the establishment of press and media outlets shall be defined by law.

127. Article 10 of the Constitution reads as follows:

All citizens have the right to participate in demonstrations and processions. The right of petition is recognized for all groups of citizens. All citizens have the right to form associations and societies to collectively exercise their rights and carry out activities in the political, economic, social and cultural domains. All citizens have the right to establish residence and to travel throughout the territory of the Republic and to enter and leave it freely.

128. As regards recommendations 118.161, 118.163, 118.164, 118.165 and 118.166, freedom to demonstrate, freedom of assembly, freedom of association and freedom of expression are guaranteed in Guinea.

129. Various laws have been adopted to give effect to these constitutional provisions, including:

- Act No. L/002 on Freedom of the Press, which decriminalizes press offences
- Act No. L/2010/003/CNT of 22 June 2010 on the High Communications Authority
- The Act on Access to Public Information
- The Act on Deregulation of the Airwaves
- Act No. L/2015/009/AN of 4 June 2015 on the Maintenance of Public Order
- The Criminal Code provisions on public demonstrations

130. There are currently over 100 free radio stations and 4 private television channels that broadcast throughout national territory, and journalists enjoy complete freedom of expression.

131. As regards print media, there are many publications that are issued regularly, and online publications are also thriving.

132. All press associations, including the Guinean Online Press Association, the Guinean Association of Independent Newspaper Publishers, the Guinean Free Radio and Television Union and the Guinean Bloggers' Association, receive regular subsidies from the Government.

133. As regards recommendation 118.162 on the transparency of legislative, presidential and communal elections, the new law on the Independent National Electoral Commission and the new Electoral Code were adopted by all members of parliament by consensus, in accordance with the recommendations that were made during the political dialogue between the presidential ruling party and the opposition parties in September 2016. In addition, the Ministry of Territorial Administration and Decentralization has issued directives and decisions ordering all territorial administrators to remain neutral and impartial during election processes.

134. As regards recommendations 118.88 and 118.89 on ensuring that individuals are able to fully exercise their rights regardless of their sexual orientation, there is no discrimination on the basis of sexual orientation in Guinea.

D. Social, economic and cultural rights

135. As regards recommendations 118.77, 118.168, 118.169, 118.170, 118.171, 118.172, 118.173 and 118.174 on economic, social and cultural rights, the Government, with the support of its partners, has adopted and implemented many projects and programmes aimed at reducing poverty, promoting employment and boosting agricultural yields. In addition, the Government wishes to point out that human rights are central to the implementation of its National Economic and Social Development Plan and its efforts to achieve the Sustainable Development Goals by 2030. Guinea is also taking a human rights-based approach to planning and implementation as a means of enabling its citizens and communities to enjoy their right to development.

136. The Government has therefore launched many programmes and projects, including:

- The National Economic and Social Development Plan
- The National Investment and Support Programme for the Agricultural Sector
- The National Agricultural Support Programme
- The “Boosting Young Persons’ Skills and Employability” programme
- The Guinean National Aquaculture Agency
- The National Agency for Local Government Funding
- The National Agency for Economic and Social Inclusion
- The Saving and Credit Cooperative for African Women
- The Saving and Credit Cooperative for Young Persons
- The National Youth Integration Fund
- The Family Farming, Resilience and Markets Project
- Local content and social responsibility of mining companies

137. As regards recommendation 118.177 on the right to work, the principle of non-discrimination in the field of employment and work in Guinea is enshrined in article 4 of Act No. L/2014/072/CNT of 10 January 2014 establishing the Labour Code. Under the Code, employers and their representatives are prohibited from taking into consideration sex, age, national origin, 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, employment benefits, disciplinary measures or termination of employment contracts.

138. Regarding recommendations 118.185, 118.186, 118.187, 118.188, 118.189, 118.190, 118.191, 118.193 and 118.194 on the right to education, articles 18, 19 and 23 of the Constitution mention the education of young people, which is a State obligation. In addition, Guinea has ratified most international conventions on this subject. It implements policies and programmes to ensure equal access to quality education for all and promotes lifelong learning opportunities (Sustainable Development Goal 4).

139. Many programmes are being implemented in this area, including:

- The Education Sector Programme
- The School Canteens Programme, supported by the World Food Programme
- Programme 2015 – 68565, implemented in cooperation with the German Federal Ministry for Economic Cooperation and Development

- The Project to Improve Training and Integration in the Agricultural and Mining Sectors
- The project to build eight regional vocational education schools
- The Online Guidance for Secondary School Graduates Programme
- The National Quality Assurance Agency

140. Education and training play a powerful role in social integration and in improving the productivity and earning potential of individuals, as essential components of human capital. The Guinean authorities are aware of this fact and have always treated access to education and training as a priority. Education is free of charge and compulsory for all children.

141. The Ministry of Citizenship and National Unity and the ministries responsible for education are working on a project to incorporate human rights education into school curricula. In the same vein, a master's degree programme in human rights has been set up at the University of General Lansana Conte in Sonfonia, Conakry.

142. As regards recommendations 118.178, 118.179, 118.180, 118.181, 118.182, 118.183 and 118.184 on health, the Government is doing its utmost to ensure that the country has an efficient health-care system. Some health services, such as caesarean sections, the provision of antiretroviral drugs and the treatment of tuberculosis, are free of charge.

143. The Government is implementing many projects and programmes in order to meet health needs, including:

- The National Programme to Combat Tuberculosis
- The National Programme to Combat Leprosy
- The National Programme to Combat Malaria
- The Expanded Programme on Immunization
- The National Nutritional Health Programme
- The 2015–2025 National Health Programme
- The National Programme to Combat Neglected Tropical Diseases
- The Viral Disease Research Institute
- The National Health Security Agency
- The National AIDS Committee
- The 2018–2022 National Health Strategy

144. In line with recommendation 118.192 on paying particular attention to vulnerable social groups such as women, children, persons with disabilities and older persons, Act No. L/2018/021/AN of 15 May 2018, which was promulgated by Decree No. D/2018/108/PRG/SGG of 13 July 2018, is intended to ensure equal opportunities for persons with disabilities and to promote their rights and protect them from all forms of discrimination.

145. In addition, Guinea has set up a Social Development and Solidarity Fund.

146. Regarding recommendations 118.64, 118.73 and 118.74 on cooperation in the field of human rights, Guinea is pleased to have established good relations with the United Nations system, especially OHCHR. The Government's partnership with OHCHR covers various programmes and projects:

- In order to promote human rights, OHCHR helps to build the capacities of the defence and security forces, human rights institutions, persons working in the justice system, civil society, the media and human rights defenders.
- As far as the protection of human rights is concerned, OHCHR is involved in the monitoring of prisons, the monitoring of human rights violations, capacity-building

for both State and non-State actors, reporting, and advocacy with respect to central and decentralized authorities.

147. With respect to recommendations 118.65, 118.66, 118.67 and 118.68 on the work of the interministerial committee on human rights, it should be noted that this committee, which is responsible for drafting initial and periodic reports on human rights, has brought Guinea up to date with its reporting obligations to the human rights treaty bodies.

148. Regarding recommendations 118.75 and 118.90, the outbreak of the Ebola epidemic showed the limited capacity of the health system to deal with epidemics. The authorities therefore took measures to strengthen the resilience of the health system, with support from the international community. Those measures included the establishment of the National Health Security Agency. The Agency's national health security plan, which has now been approved, is designed to ensure that, in the future, the country will be more resilient and better able to detect, respond to and control epidemics and disasters.

IV. Concluding remarks

149. The present report reviews the progress made and the challenges faced by Guinea with respect to the realization of human rights.

150. Guinea reaffirms and reiterates its commitment to continue to promote and protect human rights, paying equal attention to all categories of economic, civil, social, cultural and political rights and to the right to development. In these efforts, which are based on the relevant recommendations made during the first two cycles of the universal periodic review, it needs assistance and support from the international community.

151. Guinea needs to build the capacities of State actors, civil society, national human rights institutions and the media, particularly as regards economic and sociocultural rights and the right to development, which remain less well known than civil and political rights, despite their relevance to the effective implementation of the National Economic and Social Development Plan and the Sustainable Development Goals. Capacity-building is also needed for the adoption of a human rights-based approach to the development and implementation of public policies in all areas.

152. Guinea is a country with strong mining potential, where issues relating to environmental protection, inclusive participation and the equitable redistribution of wealth derived from resource exploitation are a potential source of conflict. Support is therefore crucially important for enabling the country to build the capacities of not only State actors and the private sector, but also persons living in mining areas, civil society organizations and the media, in order to derive the maximum benefit from the principles of the right to development and the human rights-based approach.

153. In order to enhance ownership of and follow-up to the recommendations made during the universal periodic review and by treaty bodies and special procedure mandate holders, Guinea would like to make use of the support and technological innovation of the United Nations system in this area. It plans to organize intensive outreach activities, including a large number of workshops at which the recommendations will be presented and explained. Guinea needs significant financial and budgetary support in order to be able to draw up a new action plan for follow-up to the recommendations, ensure that the interministerial committee is able to operate effectively and make real progress towards the fulfilment of its international obligations.

154. Since the Guinean authorities are strongly committed to achieving lasting progress in the promotion and protection of human rights, the Ministry of Citizenship and National Unity, which is the competent authority, needs sufficient technical and financial resources to be able to tackle the many challenges relating to training, awareness-raising and routine monitoring of respect for human rights.

155. Guinea reaffirms its support for the universal periodic review process and reiterates its willingness to receive new recommendations that will enable it to further improve the human rights situation in the country.