

GUINEA

CEDAW A/56/38 (2001)

97. The Committee considered the combined initial, second and third periodic reports of the Republic of Guinea (CEDAW/C/GIN/1-3 and Corr.1) at its 520th, 521st and 524th meetings, on 12 and 16 July 2001 (CEDAW/SR.520, 521 and 524).

(a) Introduction by the State party

98. In introducing the combined initial, second and third periodic reports, the representative of Guinea informed the Committee that she had provided additional information to the Committee, covering the period from 1998 to 2001, that Guinea had gained independence in 1958, and that the Constitution of the Second Republic of Guinea had been adopted on 23 December 1990. The Preamble of the Constitution, which had been inspired by the Universal Declaration of Human Rights, proclaimed the equality of men and women before the law. The Constitution protected the rights of all Guineans, and women were entitled to bring claims of discrimination on the basis of sex before the civil, penal and administrative courts, as well as the Supreme Court. The Constitution also guaranteed the right to work, and provided that the State was to establish the necessary conditions in which to exercise that right. An ordinance also provided for equal pay for equal work and work of equal value, regardless of origin, sex or age.

99. The representative informed the Committee that, although the definition of discrimination against women stipulated in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women was not explicitly integrated into any law of the country, the principle of equality between women and men by itself was not sufficient to change the behaviour and attitudes acquired through centuries of tradition, taking into account the coexistence of written law and customs in the Guinean legal framework. Discrimination still existed in many provisions of the civil code: the husband was considered to be the head of the family and was able to determine the location of the family domicile; the birth of a child had to be declared by the father if not by the doctors and nurses or others present during the childbirth; and children after seven years were in the custody of the father unless there was a special agreement between the parties. She also indicated that widows without children were subject to discrimination, and that preference was given to an uncle of a child over the mother if the father were incapacitated and unable to exercise his parental authority.

100. The representative indicated that although articles 285 to 287 of the penal code provided for severe punishment for sexually violent crimes, sexual harassment had not yet been addressed in legislation. She noted that despite certain advancements in this context, the enjoyment of rights by women continued to be constrained by a number of factors, including complicated administrative procedures, lack of knowledge of judicial procedures, insufficient information and statistical data and the persistence of negative attitudes towards women. She indicated that the Government was aware of discriminatory practices and was taking ameliorative measures to combat them, including through the creation of a structural framework of women focal points in numerous ministries and

institutions throughout the country.

101. The representative indicated that the Ministry of Social Affairs, the Promotion of Women and Childhood had been established in 1996 to coordinate national policies for the advancement of women, social protection, pre-school education and the protection of children. She stated that the goals of the Government's Gender and Development Framework Programme included a participatory, equitable and human development approach aimed at reducing differences in the enjoyment of rights and strengthening social justice.

102. The representative indicated that violence against women within the family took many forms, such as psychological violence, beating, repudiation, levirate, sororate, forced and early marriages, and female genital mutilation. The Government had undertaken awareness-raising campaigns to combat all forms of violence against women. Since 1985, 27 August had been celebrated as the National Day of Guinean Women. This day was the focus of many activities to promote the advancement of women, and had been an occasion for evaluation by the Government of the progress made in the previous year with regard to women's rights.

103. The representative indicated that one of the social scourges in the country was prostitution, to which the problems of poverty and the degradation of moral values contributed. Prostitution was illegal, and was rejected and condemned by society.

104. The representative stated that after the elections in 1995, women deputies held 10 of the 114 seats in the National Assembly. She also indicated that, of the 25 ministers and 3 secretaries of State, 4 were women, and that, of the 14 judges of the Supreme Court, 3 were women. The representative stated that the low number of women in Government testified to the marginalization of women in the public decision-making process.

105. The representative informed the Committee that 85 per cent of women were illiterate, compared with 62 per cent of men. The Government had introduced special measures to combat the illiteracy of women and girls, including through the creation of special bodies and programmes, such as the Equity Committee of the Department of Education for the advancement of young women.

106. The representative pointed out that the Labour Code regulated women's work, and that issues relating to maternity, health and security were addressed in various regulations. The goal of those regulations was to allow women to reconcile their various roles as mothers, spouses and workers.

107. The representative indicated that the situation of women with HIV/AIDS was a significant cause for concern. In 1987, eight men were infected with HIV/AIDS, compared with one woman; in 1996, the ratio of infection was three men per woman and, in 1997, two men were infected for each woman. She added that there was no gender-based discrimination with respect to health care and access to health services but, in practice, there were gender disparities in this area.

108. The representative stated that a National Social Security Fund had been created for wage earners, and social services and security were provided to people on a non-discriminatory basis. However, the law currently provided that family allowances were payable to male heads of the family rather than to women. Discrimination also limited the access of women to credit, and was

manifested in the refusal of employers to recruit women because they might become pregnant and in the preference for educating sons rather than daughters.

109. In concluding, the representative informed the Committee that several factors impeded the Government's desire to implement the Convention fully: low allocation of funds to social sectors and, in particular, for the advancement of women; heavy foreign debts and servicing of such debts; and the recent influx of refugees from Liberia and Sierra Leone. She indicated that her Government would welcome international support for its efforts to implement the Convention and to advance the position of women in Guinea.

(b) Concluding comments of the Committee

Introduction

110. The Committee expresses its appreciation to the Government of Guinea for its combined initial, second and third periodic reports which, although delayed, complied with the Committee's reporting guidelines. It commends the Government on its comprehensive oral presentation and written background material, which updated the developments in the country since the submission of the reports in 1997, and further clarified the implementation of the Convention.

111. The Committee commends the Government for sending a large and high-level delegation headed by the Minister for Social Affairs, the Promotion of Women and Childhood. It appreciates the frankness with which the report was prepared and the open presentation by the State party, which allowed the Committee to engage in a constructive dialogue, and welcomes the delegation's willingness to engage in follow-up activities to the present session.

Positive aspects

112. The Committee welcomes the fact that Guinea ratified the Convention without reservations and welcomes the efforts made by the Government to implement the Convention.

113. The Committee also welcomes the adoption of the Gender and Development Framework Programme for 1997 to 2001, which integrates gender perspectives into legislation, policy, power structures, economy and poverty alleviation, education and literacy, and health and institutional mechanisms. The Committee welcomes in particular the State party's creation of the Ministry for Social Affairs, the Promotion of Women and Childhood, which is responsible for the implementation and monitoring of governmental policy on women and children.

114. The Committee commends the Government for the number of legal reforms introduced since the ratification of the Convention in 1982, in particular the reform of the Constitution, the penal code, the civil code and the code of personal status and family law, which is currently in the process of being further amended to support women's rights.

115. The Committee commends the Government for its efforts to implement legislation penalizing the practice of female genital mutilation, as well as its actions to enable practitioners to obtain alternative ways of earning their livelihoods. It also welcomes the establishment of legal aid centres

to disseminate information about women's rights.

Factors and difficulties affecting the implementation of the Convention

116. The Committee notes that the persistence of prejudices and stereotypical attitudes regarding the role of women in the family and society, based on the idea of male superiority and the consequent subordination of women to men, and of discriminatory customs and traditional practices and a high rate of illiteracy for women, are serious obstacles to the implementation of the Convention and to the enjoyment by women of their rights.

117. The Committee recognizes that the difficult economic situation, the high level of poverty, the presence of one million refugees and displaced persons and armed conflict in the neighbouring countries have a negative impact on the State party's efforts to implement the Convention.

Principal areas of concern and recommendations

118. The Committee expresses concern that, although the Constitution provides for the equality of all citizens, it does not contain a definition of what constitutes discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee notes with concern that although the Convention, which guarantees the right to equality, is deemed to prevail over domestic law, there are many discriminatory provisions in the general law, and practices reinforce discrimination against women in Guinea.

119. The Committee urges the Government to amend the Constitution to include a definition of discrimination against women modelled on article 1 of the Convention. It requests that the State party take steps to eliminate the contradiction between constitutional guarantees on the one hand, and remaining discriminatory civil laws on the other, by initiating a comprehensive action plan for legal reform and by adopting a mechanism that enables women to challenge discrimination and effectively enforce the rights guaranteed by the Constitution in the courts.

120. The Committee expresses concern about the existing gap between the de jure and de facto equality of women and men and the persistence of customary practices that continue to discriminate against women.

121. The Committee encourages the Government to ensure full implementation of laws and policies that provide for de jure equality and seek to eliminate discrimination against women, and to establish a monitoring mechanism to ensure the implementation of those laws. It recommends that the Government ensure that those charged with responsibility for the implementation of such laws and policies at all levels are fully aware of their content and that it introduce public education and legal literacy campaigns to ensure wide knowledge of these laws and policies.

122. The Committee notes with concern that, despite prohibitions in statutory law, there is wide social acceptance and lack of sanctions for such practices as female genital mutilation, polygamy and forced marriage, including levirate and sororate, and discrimination in regard to child custody and inheritance. It expresses concern that the civil code contains provisions in family law that discriminate against women and that reinforce discriminatory social practices. The Committee also

expresses concern that the Government uses social practices and customs to justify the non-enforcement of the civil code.

123. The Committee recommends that the Government develop an action plan, including a public-awareness campaign targeted at both women and men, with the support of civil society and social partners, to eliminate the gap between statutory law and social customs and practices, especially with regard to family law. It encourages the State party to work with relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement. The Committee calls upon the Government to ensure women's awareness of their rights and to explore and apply innovative methods to reach illiterate women.

124. The Committee is concerned that the concept of male preference continues to be entrenched in some provisions of nationality law.

125. The Committee recommends that female and male spouses who marry foreigners be treated equally in regulations governing nationality. The Committee urges the Government to ensure that the concept of *jus sanguinis* is applied to ensure that children of mixed parentage born outside the country can acquire nationality through their Guinean mother.

126. The Committee expresses its concern about the high prevalence of illiteracy among women and girls and the low level of schooling of girls, especially in rural areas. It notes that education is a key to the empowerment of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of their human rights and to sustainable national development.

127. The Committee urges the Government to strengthen its efforts to improve the literacy level of girls and women, to improve the access of girls and young women to all levels of education and to prevent girls dropping out of school. It encourages the Government to introduce further special measures in the area of education, including incentives for parents to send girls to school and the recruitment of women teachers.

128. While the Government has made progress in addressing the basic health needs of the population, the Committee expresses concern at the prevalence of maternal and infant mortality, the persistent practice and high rate of female genital mutilation, women's lack of access to health-care facilities and the lack of access to family-planning services.

129. The Committee recommends that the Government focus its policies and resources on improving the status of women's health, in particular with regard to maternal and infant mortality. It urges the Government to increase women's access to health-care and family-planning services.

130. The Committee expresses alarm at the increasing rate of HIV/AIDS and the absence of measures for the care of women and girls infected and affected by HIV/AIDS.

131. The Committee urges the Government to take holistic measures to combat the HIV/AIDS pandemic and to take further practical preventive measures by providing access to condoms for

women and men. It also urges the Government to ensure that women and girls infected by HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee emphasizes that the collection of reliable data on HIV/AIDS is critical to gaining an understanding of the pandemic.

132. The Committee expresses concern that stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, including the National Assembly, the Government and the judiciary. The Committee notes that the Government has not applied the temporary special measures provided for in article 4, paragraph 1, of the Convention.

133. The Committee recommends that the Government apply the concept of temporary special measures to increase the number of women in decision-making at all levels and in all areas. It recommends that the Government strengthen its efforts to promote women to positions of power by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

134. The Committee expresses its concern at the prevalence of violence against women and girls, including domestic violence, beating, repudiation, early and forced marriages and abuse of widows and menopausal women.

135. The Committee urges the Government to assign the issue of violence against women a high priority and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19,⁵ the Committee requests the Government to enact legislation on domestic violence as soon as possible, and to ensure that violence against women and girls constitutes a criminal offence and that female victims of violence have immediate means of redress and protection. The Committee also recommends gender training for all public officials, in particular law-enforcement officials and the judiciary, as well as health workers, to educate them about all forms of violence against women and girls.

136. The Committee notes with concern that, despite legislative prohibition, prostitution is growing at an alarming rate and that the prevalence of HIV and other sexually transmitted diseases among prostitutes is on the increase.

137. The Committee urges the Government to strictly enforce laws that prohibit the exploitation of prostitution without penalizing women who provide sexual services and, in addition, to pay full attention to the provision of health services for prostitutes so as to curb the rise in the number of HIV/AIDS cases.

⁵ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.*

138. The Committee expresses concern about the situation of rural women, who constitute the majority of the female population in the country. It also expresses concern that customs and beliefs that prevent women from inheriting or gaining ownership of land and property are most broadly

accepted in rural areas.

139. The Committee urges the Government to pay the greatest attention to the needs of rural women and to ensure that they benefit from policies and programmes adopted in all spheres, as well as participate in decision-making and have full access to health services and credit facilities. It urges the elimination of discrimination with respect to the ownership and inheritance of land.

140. While the Committee commends the State party's efforts to host refugees and displaced persons from neighbouring countries and further commends the passing of legislation to protect the rights of refugees, most of whom are women and children, the Committee expresses concern at the State party's limited capacity to protect and guarantee the rights of refugees.

141. The Committee recommends that the Government continue to give assistance to refugees and displaced women and girls and to carry out rehabilitative efforts directed at them. The Committee recommends that the State party seek further assistance from, and continue to work in close cooperation with, international agencies qualified in the field of refugee protection, such as the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund.

142. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

143. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also urges the Government to improve the collection and analysis of statistical data, disaggregated by sex, and to submit such data to the Committee in its next report.

144. The Committee requests the wide dissemination in Guinea of the present concluding comments in order to make the people of Guinea, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".