



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 520th meeting

Held at Headquarters, New York, on Thursday, 12 July 2001, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.30 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of Discrimination against Women (continued)

Combined initial, second and third periodic report of Guinea (CEDAW/C/GIN/1-3)

1. *At the invitation of the Chairperson, the members of the delegation of Guinea took places at the Committee table.*

2. **Ms. Aribot** (Guinea), drew attention to an addendum to the report, available only in French and circulated informally to members of the committee, whose purpose was to provide updated information, the report itself having been finalized in 1998.

3. The Constitution embodied provisions and principles inspired by the Universal Declaration of Human Rights and other international human rights instruments. They included gender equality and the non-retroactivity of legislation, as well as basic civil liberties such as press freedom and freedom of beliefs. Any person whose fundamental rights had been violated could have recourse to the courts, from the court of first instance to the Supreme Court. The Convention on the Elimination of All Forms of Discrimination against Women had a prominent place in the legal and institutional system for the protection of human rights. International agreements were ratified by the President with the express authorization of the National Assembly. The Convention itself had been ratified on 9 August 1982, but government bodies to improve the status of women had been created as early as 1958.

4. She drew particular attention to the work of the Ministry of Social Affairs and the Promotion of Women and Childhood, established in 1996, as described in the report (CEDAW/C/GIN/1-3, p. 21), the activities organized under the Gender and Development Framework Programme (p. 2) and the numerous legal provisions which protected women's rights in areas such as the family, health and employment. In practice, however, the enjoyment of those rights was often obstructed by complicated administrative procedures, ignorance of legal procedures, lack of information and persistent negative attitudes towards women. Forms of discrimination against women arising out of practices

deeply rooted in custom, many of which involved violence, were described on page 32 of the report.

5. Women bore much of the responsibility for educating and caring for children and undertook 80 per cent of all food production. Some 85 per cent of women were illiterate, compared to 62 per cent of men, and temporary special measures had been implemented to remedy that situation (CEDAW/C/GIN/1-3, pp. 28-33). Efforts were under way to eliminate stereotypes and prejudices with regard to women through the adoption of measures to modify the social and cultural behaviours of men and women and promote equal partnership between men and women.

6. Physical, sexual and psychological violence against women, including domestic violence, remained a concern; unfortunately, cultural traditions and customary law at times condoned violence against women. For more than a decade, the authorities and governmental and non-governmental women's rights mechanisms had undertaken awareness campaigns in order to eradicate all forms of violence against women. In that context, she noted that prostitution (CEDAW/C/GIN/1-3, pp. 33-37), currently limited to urban areas, was a plague on society and was exacerbated by poverty, the economic crisis, declining moral values and the deterioration of the family unit. Despite the growth of prostitution in recent years, disapproval of it remained strong, and it had not been legalized.

7. Turning to the area of political and public life (CEDAW/C/GIN/1-3, pp. 37-42), she noted that Guinea had signed and ratified the Convention on the Political Rights of Women and that the Constitution provided women with a full range of guarantees against discrimination in the political arena. Nevertheless, women were not yet well represented at the executive, legislative and judicial levels or in civil society. For example, only 9 per cent of the members of the National Assembly were women. At the international level, although in principle there was equality of opportunity for men and women, there were currently no women ambassadors.

8. All matters relating to nationality (CEDAW/C/GIN/1-3, pp. 42-48) were governed by the Civil Code, which gave men and women equal rights with regard to acquiring, changing or retaining their nationality. Neither marriage to an alien nor change of nationality by the husband during marriage could force

the woman to change her nationality. A foreigner who married a Guinean woman did not automatically acquire Guinean nationality but had to go through a process of naturalization.

9. Turning to the area of education, she said that the Constitution guaranteed women's rights to education (CEDAW/C/GIN/1-3, pp. 48-66) and made primary education obligatory. However, tradition and custom had a negative effect on education for girls. A number of measures had been implemented to encourage education for girls and women and reduce their high illiteracy rates, and growing numbers of girls were entering fields traditionally dominated by boys. Nevertheless, that situation remained a source of concern and long-term development programmes included remedial measures in that area.

10. With regard to access to employment (CEDAW/C/GIN/1-3, pp. 66-77), she said that recruitment was based on individual merit, without gender discrimination, and a number of bodies had been established to promote employment and make optimum use of human resources. Despite some progress, however, such major problems remained, as women's lack of qualifications and high unemployment levels as a result of reductions in the civil service and the tacit reluctance of many men to support women's self-realization. The Labour Code guaranteed the rights of women workers, including the right to equal pay, and the Social Security Code guaranteed women's rights during maternity leave. Most of women's income, however, came from the informal sector. Only 22.2 per cent of the civil service, 9.7 per cent of private sector employees and 11.3 per cent of entrepreneurs were women.

11. In the area of health (CEDAW/C/GIN/1-3, pp. 78-90), preventive medicine, the need to tailor primary health care services to regional circumstances, immunization of children and the reduction of maternal and infant morbidity and mortality had been priorities. As a result, between 1982 and 1996 the maternal mortality rate had dropped to 500 per 100,000 live births in Conakry and 900 in rural areas. The infant mortality rate was 137 per 1,000, the infant and juvenile mortality rate was 232 per 1,000, and life expectancy had increased from 47 to 52 years. Progress had been made in expanding immunization for mothers and children, improving the health and nutrition levels of women and promoting modern family planning methods. AIDS was a source of growing concern, with

the ratio of men to women infected going from 8:1 in 1987 to 2:1 in 1997. In principle there was no gender-based discrimination with regard to health care, but disparities remained, in large part as a result of cultural barriers to family planning. Traditional practitioners were often the first choice of rural populations because, despite the low cost of generic drugs, the 40 per cent of the population who lived below the poverty line could not afford health care.

12. The National Social Security Insurance Fund provided social benefits to employees, and an integrated and efficient social insurance system had existed since 1984 (CEDAW/C/GIN/1-3, p. 91). Women, however, were not eligible to receive family allowances because the laws in force allowed such payments only to the husband as head of household and a similar problem existed with regard to the reversibility of women's pensions.

13. In the area of financial credit (CEDAW/C/GIN/1-3, pp. 92-94), the traditional banking sector was not interested in making loans for agriculture and other types of women's income-generating activities. Credit instruments had been introduced but had had little impact on women to date. In fact, most women resorted to tontines and accounted for 41 per cent of the users of such schemes. The Government, in collaboration with the United Nations Development Programme (UNDP), had created the Gender and Development Framework Programme to improve the income and living conditions of women. There were no legal or institutional barriers to women's participation in cultural and leisure activities, but there was very little sporting activity for women (CEDAW/C/GIN/1-3, p. 95). The major barrier to women's participation in leisure activities was their heavy workload, especially in rural areas.

14. Some 80 per cent of the population earned their livelihood from agriculture, which provided employment for 87 per cent of all working women. Rural women produced approximately 80 per cent of all food but their situation was precarious (CEDAW/C/GIN/1-3, pp. 95-109). Successive economic crises and structural adjustment programmes and other restrictive measures had increased the burden on the most vulnerable sectors of society and accelerated the deterioration of living conditions, in particular in rural areas. Current poverty eradication programmes emphasized the creation of women's cooperatives and a participatory approach to

development. A particular problem was access to drinking water, and in 1980 a National Department for the Installation of Water Points in Rural Areas had been set up. Numerous other programmes and projects had been implemented to assist rural women in the areas of health, credit, education and productivity, but their overall situation remained poor.

15. Guinean women had the same legal rights as Guinean men, and their dignity and social equity were affirmed by the laws and regulations in force (CEDAW/C/GIN/1-3, pp. 109-113). In practice, however, women's rights were not always respected, and further work was necessary to ensure true equality for women. For example, within a marriage, the father had greater rights with regard to the children and custody. A draft code on the family which would modernize the relationship between husband and wife was currently before the National Assembly (CEDAW/C/GIN/1-3, pp. 113-123).

16. Tremendous efforts had been made to eliminate discrimination against women but those efforts had been hindered by the outbreak of war on Guinea's borders in 1989 and by rebel attacks in September 2000, the effects of which weighed most heavily on women and children. Nevertheless, the advancement of women remained a priority for her Government.

17. Despite the difficulties it faced, including a burdensome external debt, Guinea had made progress towards eliminating discrimination against women in a number of areas. The Government's 1996 strategy paper contained a forward-looking vision of the country's development in the years ahead. A number of programmes were designed to make that vision a reality, including the programme of support for grass-roots initiatives and the programme of support for decentralization and the strengthening of civil society. Various other capacity-building initiatives had also been launched at the grass-roots level to strengthen the role of the population as actors in development. In addition, the Government's proposed poverty reduction strategy sought to mobilize and channel internal and external resources into poverty reduction by creating synergies between national and sectoral policies. In the area of reproductive health, special emphasis was placed on putting an end to the practice of female genital mutilation.

18. While considerable progress had been made in promoting the advancement of women in Guinea, that

progress had been uneven, since inequality between men and women was deeply rooted in all societies. The international community, Governments and civil society must therefore redouble their efforts to guarantee women the exercise of their fundamental rights.

General comments

19. **The Chairperson** said that the size of its delegation was a demonstration of Guinea's political will to implement the Convention. She noted with particular satisfaction that the international instruments ratified by Guinea took precedence over that country's domestic laws and that the Government had also enacted legislation to protect the rights of the large number of persons, many of them women, from neighbouring States who had sought refuge in Guinea. As a West African herself, she was well aware of the hospitality of the people of Guinea. Steps should be taken, however, to ensure that women in refugee camps were not subjected to sexual violence. Guinea's signing of the 1961 Convention on the Reduction of Statelessness was further evidence of its Government's seriousness in dealing with the situation that had been created by the influx of refugees.

20. **Ms. Gabr** said that Guinea's report showed that, despite the problems which the country faced, its Government had the political will to protect the rights of women in Guinea. There were still concerns in a number of areas, however, including the prevalence of stereotypes about women, female genital mutilation, women in the informal sector and the quality of health and educational services. She would welcome additional information on the refugee presence in Guinea and whether other ministries, departments and non-governmental organizations in Guinea had been involved in the preparation of the report.

21. **Ms. Gaspard** said that such indicators as high infant and maternal mortality rates, low life expectancy and high rates of illiteracy were a reflection of Guinea's status as a poor developing country. She noted with satisfaction that a Ministry had been established to promote equality between the sexes in Guinea and that civil society, of which women were an active part, played a vigorous role in the country's affairs.

22. She would welcome clarification of whether the majority of refugees in Guinea were women and girls

and more information on their living conditions. It would also be helpful to know whether non-governmental organizations and other entities had been involved in the preparation of the report.

23. **Ms. Acar** said that the report reflected the Government's commitment to the implementation of the Convention. She welcomed the establishment of a Ministry to promote equality between the sexes in Guinea and the steps that had been taken to prohibit discrimination against women in written law. There were some concerns, however, about the implementation of the law, particularly in the areas of education, marriage, divorce and violence against women. De facto equality was just as important as de jure equality. She noted the existence in Guinea of Islamic law, national law and customary law and wondered whether each type of law governed certain clearly defined areas. In her view, a multiple legal system such as Guinea's was a serious obstacle to the full implementation of the Convention.

24. **Ms. Kwaku** regretted being unable to read the French-language addendum to the initial report (CEDAW/C/GIN/1-3). She joined the Chairperson in congratulating Guinea on its handling of refugees and thought that the country's approach might even be too liberal. Agreeing with Ms. Acar, she said that she perceived some confusion in the Civil and Penal Codes, with certain provisions appearing to be based on Islamic law and others not. It would be advisable for the Government to take a critical look at them. She would welcome some clarification of the provision in the Civil Code relating to childless widows.

25. **Ms. Schöpp-Schilling** was gratified by the size and expertise of the Guinean delegation, its impressive and honest report, the political will driving a number of activities, and the country's ratification of the Convention without reservations. She welcomed the presentation of statistics disaggregated by sex and asked whether they were being compiled by a central statistical institute or whether a central directive mandated disaggregation. It was important to collect such statistics on every aspect of life, for only then could one discern evidence of de facto discrimination. At the same time, she joined her colleagues on the Committee who had expressed concerns, especially in regard to article 2 and the coexistence of different legal systems. Overall, she was struck by the scale of the problems facing Guinean women. Only a massive joint effort by all concerned could help, and she was

therefore encouraged to see that a plan of action had been adopted.

26. **Ms. Shin** said that, in the light of Guinea's early ratification of the Convention and the absence of reservations, it was somewhat disappointing to see how many problems remained. The report (CEDAW/C/GIN/1-3) revealed contradictions of four kinds. First, there were discrepancies between the Convention and Guinea's domestic legislation, for example, in inheritance and within marriage. Second, legal discrimination was evident in such areas as legislation on nationality, even though the report maintained that it did not exist. Third, while the report recognized the existence of legal inequalities, there seemed to be no planned action by the Government to eliminate them. Fourth, the report acknowledged the persistence of gender discrimination due to social and cultural traditions, but there were no plans for action to eliminate social stereotypes and discriminatory practices, such as polygamy. Lastly, she enquired about the priority given to gender equality in Guinea's development plans.

27. **Ms. Livingstone Raday** congratulated Guinea on the candid report, despite the contradictions just pointed out. From a constitutional standpoint, it was gratifying that Guinea had ratified the Convention without reservations and that equality between men and women was enshrined in the Constitution. However, deep contradictions remained, particularly at the family level, where all education began. She asked whether legislative or other initiatives were being taken to amend the cultural and religious patriarchal laws, whether there was opposition to legislative reform and, if so, from what quarters.

Article 2

28. **Ms. Goonesekere** welcomed the fact that international law prevailed over domestic in Guinea and commended the constitutional guarantee of non-discrimination. Echoing Ms. Acar's concerns, she suggested that Guinea might look to its independent judiciary as an instrument for making the Constitution a living reality. Courts elsewhere in Africa and Asia reviewed existing laws, singled out provisions that were in conflict with the national Constitution for amendment by the legislature, and provided relief to citizens affected by those provisions. It would be useful for Guinea to consult the relevant jurisprudence from other African countries.

29. **Ms. Schöpp-Schilling** echoed the concern over the coexistence of different legal systems. She wondered how the Convention was reflected in everyday life, whether the Council of Elders — the forum to which women presumably had first recourse — based itself on Islamic law or on customary law, whether it was familiar with the Convention and the extent to which it put its provisions into practice. She asked about the training given to new paralegals serving in the legal aid centres and the extent to which the general public was educated about the Convention, for example, by the radio or with the UNESCO materials developed for human rights education. She would like to know whether Guinea was planning to sign and ratify the Optional Protocol to the Convention.

30. **Ms. Kwaku**, noting the high rate of female poverty and illiteracy, asked how effective the remedial measures listed in the report were proving to be.

31. **Ms. Gaspard** noted with regret that traces of the Napoleonic code remained from the nineteenth century colonial era. She wondered whether Guinea was intending to bring its provisions on marriage and inheritance, for example, into line with the Convention. Reading the report (CEDAW/C/GIN/1-3), she had been surprised to find the penalization of abortion (in art. 307 of the Penal Code) cited as a legislative measure for prohibiting discrimination against women, in connection with article 2 (b) of the Convention. Yet, women generally had recourse to abortion because they had inadequate contraceptive and other supportive measures available to them. She asked whether the State party was able to provide statistics on clandestine abortion in Guinea.

32. **Ms. Schöpp-Schilling**, referring to the addendum to the report, said that she had been interested to learn of the five priority framework programmes. She enquired whether the programmes set benchmarks and targets, along with time frames, how they would be held accountable if the targets were not met, and what proportion of Guinea's total budget was being allocated to each of the five programmes. In its next report, Guinea might consider including a figure for the "women's budget", i.e. the percentage of the national budget devoted to activities concerning women. The increased budgetary allocation to the Ministry of Social Affairs and the Promotion of Women and Childhood was to be welcomed. The report mentioned discrimination against women in respect of

development activities but failed to mention whether government or donor activities were meant. It was common knowledge that in agriculture most of the resources were given to men, who then turned out cash crops. She asked whether the Ministry just mentioned was authorized to screen prospective development projects and thereby anticipate any negative impact on women.

33. **Ms. Ferrer Gómez**, after commending the report, emphasized the importance of the Ministry of Social Affairs and the Promotion of Women and Childhood. She requested further information about vulnerable groups, any plans to improve the status of women in the family, and any special measures being planned for refugee women. She suggested that more attention should be given to women with disabilities.

The meeting rose at 1.05 p.m.