



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-ninth session

Summary record of the 795th meeting (Chamber A)

Held at Headquarters, New York, on Wednesday, 25 July 2007, at 10 a.m.

Chairperson : Ms. Gaspard (Vice -Chairperson)

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In the absence of Ms. Šimonovič, Ms. Gaspard, Vice - Chairperson, took the Chair.

The meeting was called to order at 10.20 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth, fifth and sixth periodic reports of Guinea (CEDAW/C/GIN/4 -6; CEDAW/C/GIN/Q/6 and Add.1)

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

2. **Ms. Nabe** (Guinea), introducing the State party's combined fourth, fifth and sixth periodic reports, said that her Government aimed to consolidate the implementation of Millennium Development Goal 3 by setting up gender units in ministerial departments; providing training for women with a view to increasing their participation in the electoral process; promoting gender mainstreaming at all levels of the education system; providing training for Government officials and other decision makers in gender issues and the Convention; and developing a five -year strategic plan for the institutional framework of the Ministry of Social Affairs and the Promotion of Women and Childhood.

3. Women currently accounted for 53 per cent of the Guinean population. Although they were represented in government, political parties and labour unions, their presence did not reflect their demographic weight and the number of women in decision -making posts still fell well below the 30 per cent target.

4. Article 4 of the Constitution (Fundamental Law) provided that men and women were equal before the law and enjoyed the same rights. Women's rights had also been promoted through the adoption of a non -discriminatory Land (Private and State -owned) Code, the revision of the Criminal Code to include more severe penalties for sexual crimes and trafficking, the elaboration of a draft Civil Code removing discriminatory provisions against women and the elaboration of a draft Code of the Child to address gaps in national legislation with respect to girls' rights, the trafficking of girls and other forms of violence. The Government was also working to raise awareness of the Convention among legal professionals.

5. At the international level, Guinea had ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and had signed a multilateral cooperation agreement with nine other countries in the West African subregion to combat child trafficking.

6. A number of measures had been taken to empower rural women and reduce their poverty. They included the establishment of the Triennial National Literacy Programme for 300,000 women at the grassroots level, the creation of a national fund to support women's economic activities, the establishment of local microfinance institutions and the organization of a gender unit in the Ministry of Agriculture with a sectoral strategy to professionalize women farmers.

7. In the field of health, the Government had focused on increasing vaccination coverage, improving maternal and child health care, combating female genital mutilation through the elaboration of a national strategy plan and a 10 -year action plan (2003 -2013) and combating HIV/AIDS through the establishment of the National AIDS Committee and committees at the regional and prefectural levels.

8. To reduce gender disparity in the field of education, the Government had set up equity committees at the regional and prefectural levels as well as a National Commission on Basic Education for All (CONEBAT), which provided support for girls who had dropped out of or had never attended school.

9. The machinery to monitor the implementation of the Convention consisted of a national committee and seven regional committees which, unfortunately, had not functioned effectively because of lack of support. However, there were also gender focal points in technical departments, the National Assembly and NGOs. Monitoring was also carried out through cooperation with a large number of national and international NGOs.

10. Despite the Government's strong political commitment and the numerous programmes that had been developed, the advancement of women in Guinea continued to be hindered by difficulties such as lack of reliable qualitative and quantitative data in areas of concern to the Committee, low percentage of women at decision -making levels and their unfavourable ranking on electoral lists, insufficient monitoring of the implementation of legal instruments ratified by Guinea and the feminization of poverty. Her Government

would welcome the support of the international community in meeting its goals with respect to the promotion and protection of women's rights.

Articles 1 to 6

11. **Ms. Shin** expressed regret that the reports had not been written according to the guidelines and that the delegation had not provided written responses to the questions of the pre-session working group. She hoped that future reports would present information article by article and that they would be submitted on time; the seventh report was due later that year. She urged the delegation to study the Committee's general recommendations, as they contained interpretations and supplementary information. Finally, she was disappointed that the current report did not contain any sex-disaggregated data and that the delegation appeared not to have understood articles 4 and 5 on temporary special measures and stereotyping.

12. According to article 2 of the Convention, national constitutions should embody the principle of the equality of men and women. Although article 4 of the Guinean Constitution (Fundamental Law) provided that men and women were "equal before the law", that provision did not preclude indirect discrimination against women.

13. Noting that many draft laws were still awaiting adoption, she asked which entity was responsible for pushing through legal reforms and whether there was a time limit. Finally, she wished to know why Guinea had not been able to ratify the Optional Protocol or to support the amendment to article 20, paragraph 1 of the Convention.

14. **Ms. Neubauer**, noting from the response, to the list of issues and questions (CEDAW/C/GIN / Q/6/Add.1, p. 15), that the Convention-related follow-up machinery was not yet operational, asked whether there was any political will within the Government to monitor the implementation of the Convention and to establish a system for provision of legal assistance to women.

15. She asked what mechanisms existed to ensure proper coordination between the Ministry of Social Affairs and the Promotion of Women and Childhood and the other institutions tasked with the implementation of the Convention; and how the work of the Ministry was coordinated with the gender focal points elsewhere in the Government. She also asked

how the Ministry cooperated with the Observatory on respect for women's rights in the National Assembly and whether it reported regularly to the National Assembly on the implementation of the national policy, programmes and action plans.

16. **Ms. Patten** expressed her appreciation to the delegation for its candour in identifying the challenges that would need to be met in implementing the Convention, and asked whether it was sure that the necessary financial and human resources would be made available.

17. She asked what reasons the authorities had given for rejecting the request for ratification of the Optional Protocol and whether the new Government had submitted another request. She pointed out that the Optional Protocol was a highly valuable tool for preventing violation of the rights of women.

18. She expressed concern at the amount of time that had already elapsed since work on revision of the Civil Code had been started and she asked why it was taking so long and when it could be expected to be completed.

19. Noting that the Committee had been independently informed that there had not been any real consultation with non-governmental organizations, she asked to what extent civil society had been involved in the preparation of the report, and whether any technical assistance had been obtained for that purpose. She urged the country to seek such assistance in future.

20. She expressed concern at the fact that there had not been a single case of the Convention being invoked in the courts, even though it was now 25 years since the Convention had been ratified, and asked what precise measures were being envisaged to promote awareness of the Convention among legal professionals. Clearly not enough resources were being assigned to that task.

21. She urged Guinea to take cognizance of general recommendation No. 25 on temporary special measures, in which the Committee emphasized the need for such measures as a means of remedying the effects of past discrimination. The areas where women in Guinea seemed to be truly disadvantaged — education, decision-making, politics — were precisely those where the Committee strongly recommended the use of temporary special measures, such as quotas or affirmative action.

22. **Ms. Pimentel**, while recognizing the efforts that Guinea was making to enforce the Convention, expressed concern at the difficulties that the country was having in achieving that goal. The report had mentioned that women and girls were still the victims of traditional practices harmful to their self-fulfilment, including traditional taboos; she wished to know what those traditional taboos were.

23. While the report stated that there was a law prohibiting female genital mutilation, it would appear to have had little impact for the report also stated that 96 per cent of women in Guinea had been subjected to the practice. That was truly a matter for concern. General recommendation No. 14, on female circumcision, and general recommendation No. 19, on violence against women, were very useful tools in combating the practice and she wondered why the Government did not utilize them.

24. **Ms. Nabe** (Guinea) explained that non-governmental organizations had been invited to the validation workshop, which had followed the drafting phase. Her ministry maintained close links with such organizations. Officials drafting the report had been unaware that it should have referred to the specific articles of the Convention. In future reports would follow the desired format.

25. **Ms. Sylla**, giving additional information on the process of drafting the combined reports, said that an interministerial commission had been established, which had included non-governmental organizations, UNICEF, and the political parties.

26. The Ministry of Social Affairs and the Promotion of Women and Childhood worked closely with certain NGOs, and the various activities relating to women affairs were organized jointly by the department concerned with each individual issue and the non-governmental organizations that were active in that area.

27. **Ms. Diaraye** (Guinea), referring to the level of awareness of the Convention, said that although special information and awareness-raising sessions had been organized, not all members of the judiciary had truly grasped its import. The Ministry of Social Affairs and the Promotion of Women and Childhood working with the Observatory for the defence of the rights of women drew up training and awareness-raising programmes for parliamentarians on the content of the various legal

instruments ratified by Guinea in the area of women's rights.

28. Data collection was done on the basis of the national census, which was conducted regionally. The next one was planned for 2008.

29. Finally she said that, changing the laws took a long time, and required lengthy negotiations between various Ministries. Negotiations on the proposed revision of the Civil Code, which sought to take account of all instruments relating to the rights of women to which Guinea was a party, had been particularly complicated. It was hoped that the revised Code would be submitted to the National Assembly by the end of the year.

30. **Ms. Kaba** said that, following the enactment of the law on female genital mutilation, the percentage of women undergoing the mutilation had dipped slightly — from 99 per cent to 96 per cent. The lack of success did not mean that there had been no effort. Changing people's behaviour was very difficult. Part of the reason for the persistence of the practice was that it was a social and religious need. It had to be remembered that 80 per cent of the population in Guinea was Muslim.

31. **Ms. Bamba** (Guinea) said that the law prohibiting female genital mutilation was not effectively enforced and no cases had yet been brought before the courts. A climate of impunity prevailed. She agreed that the Committee's general recommendations would be useful helping to eliminate practices harmful to women.

32. **Ms. Aribot** (Guinea) said that, under the current 10-year plan of action to eliminate female genital mutilation, the Government, in cooperation with various partners, was helping women who performed excisions to retrain for other occupations. As a result of the implementation of the 10-year plan, female genital mutilation was no longer carried out by nurses and midwives in hospitals; thus, efforts to "medicalize" the practice had been halted. The Government and civil society organizations were united in condemning the practice and were making efforts to inform the public of the dangers it posed to women's reproductive and mental health. However, that stance was somewhat undermined by representatives of the Islamic faith who had not come out clearly in favour of eliminating the practice.

33. **Ms. Sidibe** (Guinea), acknowledging the need for more gender-disaggregated data, said that a database had been set up by the Ministry of Social Affairs and the Promotion of Women and Childhood in 2000 on the basis of a survey of women's economic activities. Other surveys in recent years had focused on women and poverty and the social situation of women. The census scheduled for 2008 would provide an opportunity to obtain up-to-date statistics on all aspects of the situation of women.

34. **Ms. Diaraye** (Guinea) said that, in recent years, Guinea had marked the International Day against Female Genital Mutilation with a number of national and regional programmes designed to raise the awareness of the authorities, women and girls of the dangers of female genital mutilation.

35. **Ms. Begum**, noted that female genital mutilation was not practised in her country, Bangladesh, another predominantly Muslim country. It was one of the worst manifestations of violence against women and had nothing to do with religion. Some African countries had started to provide alternative livelihoods for those who carried out female genital mutilation. Guinea should make every effort to follow suit.

36. The prevalence of violence against women was a matter of grave concern. Noting that the responses to the list of issues and questions indicated that 76 per cent of battered women were Muslims, she wondered why Muslims accounted for such a large proportion of victims. In its concluding comments on the previous report (A/56/38, part two, para. 135) the Committee had recommended that legislation on domestic violence should be enacted. She asked what progress had been made in that regard. The Committee had also recommended gender training for all public officials, in particular law-enforcement officials, the judiciary and health workers. The State party should indicate what measures had been taken in that regard. She also asked how many convictions had been secured under the articles of the Penal Code relating to deliberately inflicted bodily injury, death threat and rape.

37. Lastly, she requested details of the support services available to victims of violence, including the number of shelters, and asked what role the Government played in the provision of such services.

38. **Ms. Chutikul** noted that the mandate of the Ministry of Social Affairs and the Promotion of Women and Childhood with regard to women was to

design, coordinate, implement and monitor Government policy on the advancement of women. With regard to the design element of that mandate, the State party had mentioned many policies and programmes relating to gender: the National Policy for the Advancement of Women, adopted in 1996; the Gender and Development Framework Programme; the programme of action for the implementation of a revised national policy for the advancement of women, which was to be developed in 2007; and a national gender policy document to be developed in 2008. The State party should provide more information on the various initiatives and how they fitted together, and indicate which of them would guide the Government's action on gender issues over the next three to five years. She also wished to know which entities had been involved in formulating them and what data had been used in that process.

39. With regard to the coordination part of the Ministry's mandate, she noted that responsibility for the advancement of women rested with many different ministries and NGOs. The State party should indicate whether any kind of mechanism existed to coordinate the work of those entities.

40. Turning to the implementation component, she noted that the Ministry's work covered many different areas besides the advancement of women, such as general social development, social protection policy and children's issues. In the light of that heavy workload, she wished to know how the Ministry handled its mandate relating to women, in particular how many staff it had and what its budget was. Noting that implementation of the national policy for the advancement of women was managed by a national directorate supported by three divisions responsible, respectively, for economic advancement, training and education, and the promotion of women's rights, she requested further clarification of how implementation was ensured in practice.

41. With regard to monitoring, she noted that the national committee and seven regional committees set up to monitor implementation of the Convention were not functioning. She asked what steps were envisaged to remedy that situation. On the question of data, more emphasis should be placed on outcomes rather than on input in the next report. Lastly, she asked how effective the gender focal points in ministerial departments were. In many countries, they had little practical

impact and were not provided with proper ministerial support.

42. **Ms. Simms** said that much more vigorous action was needed, in particular by women themselves, to ensure that the State party's obligations under the Convention were fulfilled. Trafficking, prostitution, violence against women and the country's high rates of maternal and child mortality were all serious problems that needed to be addressed. Action was also needed on the issue of female genital mutilation, a barbaric practice that had nothing to do with Islam. In fact, it had first been advocated by a British gynaecologist in the nineteenth century as a means of neutralizing the perceived threat posed by women's sexuality and making women more compliant. Commending the plans outlined to deal with the problem, she urged the State party to ensure that those plans became a reality. It was up to women to stand up to the patriarchal culture that allowed female genital mutilation to continue and to make sure that the law outlawing the practice was fully respected.

43. **The Chairperson**, speaking as a member of the Committee, said that it appeared to be difficult for women victims of violence, especially rural women, to obtain redress because of the cost of bringing proceedings and the distance they had to travel in order to lodge a complaint. She asked whether there were plans to facilitate access to justice for women and to provide them with aid to cover the cost.

44. With regard to female genital mutilation, she encouraged the Government to read the Secretary-General's in-depth study on all forms of violence against women (A/61/122/Add.1 and Corr.1), which emphasized the dangers of female genital mutilation, including the fact that it was a cause of maternal and child mortality. She wished to know why the State party lacked the instruments necessary to enforce the law prohibiting female genital mutilation and why the Government had not mounted any large scale campaigns to raise public awareness of the dangers of the practice. She also wondered why Guinea had not ratified the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which was particularly strong in its condemnation of female genital mutilation. Lastly, she asked whether the campaigns to have women who performed excisions turn in their knives had had a real impact in terms of permanently reducing the incidence of the practice.

45. **Ms. Nabe** (Guinea) said that, although female genital mutilation was now recognized as a crime, the influence of male religious leaders, whose interpretation of the Koran was favourable to men, remained extremely strong. Awareness-raising campaigns had been conducted and were being conducted, but since the practice was seen as a matter of both custom and religion, eradicating it was a long-term endeavour.

46. **Ms. Sylla** (Guinea) said that Government efforts to raise awareness of the negative impacts of the practice were already yielding results. All strata of society were involved in addressing the issue. Female genital mutilation was not an exclusively Muslim practice for it was found even in the Guinée Forestière region, which had a relatively small Muslim population. It was therefore a cultural, rather than a religious, issue.

47. The first national policy for the advancement of women had been adopted in 1996. Originally there was to have been one directorate — the National Directorate for the Promotion of Women — comprising three divisions — responsible, respectively, for economic advancement, training and education, and the promotion of women's rights. However, subsequently, States had been asked to bring their policies into line with inter alia the Millennium Development Goals and the New Partnership for Africa's Development (NEPAD). Hence the existence of a second national policy for the advancement of women.

48. The first national policy for the advancement of women had been fully integrated into Guinea's poverty reduction strategy, but gender issues had been omitted. The Government had therefore decided to draw up a separate gender policy. A national gender policy was planned for 2008.

49. Focal points had made a significant contribution to the implementation of the national policy for the advancement of women. However, they suffered from a number of weaknesses: because of their status it was difficult for focal points to attend meetings where decisions were actually taken; focal points often changed from one department to another; and Government reshuffles often resulted in focal points being distributed unequally across departments. The new Government had therefore decided to replace focal points with gender units, along the lines of the equity committees in the education sector. Where such

committees existed, considerable progress had been made towards compliance with the Convention.

50. **Mr. Traore** (Guinea) said that no data was currently available on women victims of trafficking in Guinea. The Government therefore planned to conduct a survey to establish the extent of trafficking in women and girls in Guinea. The Government had already adopted a national action plan to combat trafficking in women and girls, on the one hand, and in children, on the other. At least 12 cases were currently awaiting consideration by the Court of Assize, the court responsible for trying trafficking cases. However, because the Court did not meet regularly, there was often a long wait before cases came to court. He acknowledged that existing legislation was insufficient. Special legislation to combat trafficking was therefore being drafted, and was already at an advanced stage.

51. With regard to victims of violence in rural areas, he said that any form of violence — physical, moral or psychological — was punishable under the Criminal Code. It was a crime for a man of any religion to beat his wife; such a man could be prosecuted and sentenced by the courts. There were no special provisions in favour of women in rural areas. However, if a woman victim of violence filed a complaint, the perpetrator would be judged according to the law, regardless of the region in which the victim lived.

52. As for the status of implementation of the Act on reproductive health, he said that the Act itself had been adopted in 2000; however, no implementing regulations had ever been drawn up because it had been decided that the penalties contained in the Act were too severe — for example, if a girl died within 40 days of being subjected to female genital mutilation, the person responsible could be given the death penalty. The Act had now been revised and implementing regulations were being prepared. All that remained now was for victims of female genital mutilation — or their parents on their behalf — to file complaints. NGOs could also play a role in that regard.

53. Lastly, the Optional Protocol to the Convention had been submitted to the Government for adoption. Once adopted, it would be submitted to the National Assembly for ratification. First, however, it was important for Guinean women to understand properly the many channels available to them.

54. **Ms. Aribot** (Guinea), on the issue of coordination, said that any policy document produced

by any ministry had to be discussed by the inter-ministerial council, which met once a week. The document also had to undergo a process of national validation involving all ministers and NGOs. Focal points also attended validation meetings. Once the document had been validated, the ministry responsible submitted it to the inter-ministerial council, which had two weeks to examine it. The Minister of Social Affairs and the Promotion of Women and Childhood, as a member of the inter-ministerial council, was allowed to participate in any meetings where policy documents affecting women were discussed. Given that most policies affected women in one way or another, she was essentially allowed to participate in all policy discussions.

Article 7 to 9

55. **Ms. Neubauer** noted that, while the report (p. 7) referred to women's increasingly important and influential participation in the labour market, the information contained in the responses to the list of issues and questions (p. 13) suggested that the number of women in certain decision-making positions had decreased in recent years. She referred, in particular, to the low number of female National Assembly members, ministers, directors of institutes of higher learning, prefects, lawyers and regional social affairs inspectors. She was curious to know about efforts to address women's role in the exercise of power, besides the seminars, workshops and lobbying by women's NGOs mentioned in the report. In particular, she would appreciate concrete information about any interventions that had been implemented, developed or planned.

56. The Government's plan to use advocacy in order to prevail on the authorities and political parties to increase the number of women in decision-making posts and improve their ranking on electoral lists (responses, p. 15) was insufficient. Moreover, it was not in accordance with article 2 of the Convention. It was clear from article 4, paragraph 1, of the Convention and general recommendations 23 and 25 that the Government itself must take active steps to promote women's participation. In that connection, she wished to know whether the Government planned to introduce any temporary special measures such as affirmative action, preferential treatment or quota systems.

57. **The Chairperson**, speaking as a member of the Committee, welcomed the establishment of a network of female ministers and parliamentarians, particularly in light of the low percentage of women in the National Assembly. She wondered, however, if female parliamentarians were aware of the Convention. If not, the State party might wish to consider participating in the meeting of women parliamentarians held in Geneva each year under the auspices of the Inter-Parliamentary Union. One of the issues discussed at the meeting, which was also attended by Committee experts, was the Convention and its implementation status in different countries. In her view, the meeting would provide a good opportunity to discuss the implementation of the Convention in Guinea.

58. The number of women elected to local Government was particularly low. However, it was at the local level that problems were felt most acutely and patterns created. The issue must be addressed, for example by establishing quotas, adopting legislation requiring a minimum percentage of women on electoral lists or introducing incentives, such as linking party funding to the number of women elected. She was pleased to hear that three of Guinea's 33 prefects were now women. The Government must continue along that path.

59. Lastly, in accordance with article 8 of the Convention, the State party needed to take measures to increase the number of women in senior diplomatic posts. She hoped to see more information in that regard in the next report.

60. **Ms. Patten** noted that, according to the report (p. 15), a foreign man who married a Guinean woman could acquire Guinean nationality only by naturalization. She wished to know whether that provision, which was discriminatory, had been revised or whether there were any plans to amend it.

61. The situation regarding the nationality of the child was unclear. The report stated (p. 15) that children acquired the nationality of their father, but then went on to say (p. 16) that the draft amendments to the Civil Code had revised those provisions and that women and men were now on an equal footing when it came to the nationality of their children. The responses to the list of issues and questions, meanwhile, stated (p. 12) that amendments on the question of the nationality of the child contained in the draft Civil Code, revised in accordance with the Convention, had

not yet entered into force. She was curious to know the status of those amendments. The responses suggested that they had been enacted. If that was the case, why had they not entered into force? Was the delegation able to give any indication as to when that was likely to happen?

62. **Mr. Traore** (Guinea) said that the question of nationality was regulated by both the Civil Code and the Code of the Child. Once those two instruments had been adopted, the matter would be settled. In that regard, he said that the Code of the Child should be adopted by the end of the year and the Civil Code in 2008.

The meeting rose at 1 p.m.