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Guinea - Researched and compiled by the Refugee Documentation Centre of Ireland on 19 October 2010

Information regarding FGM and the availability of help from State or non-governmental organisations, or legislation if a girl refuses or does not want to have FGM performed.

Paragraph 11 in Section I.A of a June 2010 *UN General Assembly* report, notes:

> "The delegation noted that the Constitution and the Criminal Code enshrine the sacred nature of human life and human beings. As a consequence, law prohibits all attacks against life and physical integrity. Nevertheless, Guinean law has maintained the death penalty for the most serious crimes. Although courts mete out such sentences, the Government has been observing a de facto moratorium since 2002. Additionally, various measures have been undertaken to effectively combat all forms of violence, such as female genital mutilation and sexual violence." (UN General Assembly (14 June 2010) *Report of the Working Group on the Universal Periodic Review; Guinea*, p.4)

Paragraph 22 in the same section, adds:

> "The strategy for the elimination of harmful traditional practices and stereotypes is based on the application of repressive laws, on the one hand, and on the implementation of awareness and education mechanisms and programmes regarding issues such as early marriage and female genital mutilation, on the other. Perpetrators of female genital mutilation can be sentenced to life imprisonment or even death." (ibid, p.5)

Paragraph 32 in Section B of the same report notes:

> "India appreciated Guinea's efforts to empower rural women and to address trafficking and female genital mutilation. It noted that, owing to the steady deterioration in its economy over the previous decade, poverty remained the main obstacle to the protection of human rights. It encouraged Guinea to establish an independent national human rights institution in full compliance with the Paris Principles and to consider ratifying the Optional Protocols to the Convention on the Rights of the Child." (ibid, p.7)

Paragraph 51 in the same section of the report adds:

> "The Netherlands highlighted Guinea's cooperation with the Commission of Inquiry following the events of September 2009, its cooperation with the Human Rights Council on resolution 13/21, and its decision to work with OHCHR in opening a country office. It noted Guinea's fragile human rights situation. It reiterated concerns about violence against women and girls, including sexual violence. It was alarmed by the high incidence of female genital mutilation and the impunity of its perpetrators. It welcomed the Law on

> Reproductive Health, prohibiting all forms of female genital mutilation. It expressed concern that Guinea was a country of origin, transit and destination for human trafficking." (ibid, p.9)

Paragraph 60 of the same section of the report continues adding:

> "The delegation noted the existence of a five-year national programme against female genital mutilation, as well as repressive measures. Life imprisonment and the death penalty, which were included in the Criminal Code with regard to violence against women and children, would be envisaged for the most serious cases." (ibid, p.10)

Under the heading 'Civil Liberties', the June 2010 *Freedom House* The Worst of the Worst report for Guinea notes:

> "Societal discrimination against women is common, and while women have legal access to land, credit, and business, the inheritance laws and the traditional justice system have favored men. Security personnel openly raped dozens of women in the 2007 and 2009 crackdowns. Female genital mutilation is an illegal but nearly ubiquitous practice." (Freedom House (3 June 2010) *The Worst of the Worst 2010 – Guinea*)

Under the heading 'Political Rights and Civil Liberties', the May 2010 *Freedom House* Freedom in the World report notes:

> "Societal discrimination against women is common, and while women have legal access to land, credit, and business, the inheritance laws and the traditional justice system have favored men. Security personnel openly raped dozens of women in the 2007 and 2009 crackdowns. Human Rights Watch has reported that thousands of young girls serving as unpaid domestic workers in Guinea are subject to beatings or rape by their employers. Guinea was a source, transit point, and destination for human trafficking in 2009, according to the U.S. State Department. Advocacy groups are working to eradicate the illegal but nearly ubiquitous practice of female genital mutilation." (Freedom House (3 May 2010) *Guinea: Freedom in the World 2010*)

The March 2010 *United States Department of State* Country Report on Human Rights Practices for Guinea states:

> "Serious human rights abuses occurred during the year. Citizens did not have the right to change their government through periodic elections. Security forces conducted mass killings and beatings, publicly raped women and girls, and tortured and abused detainees to extract confessions. Prison conditions were inhumane and life threatening. Perpetrators of killings and abuse acted with impunity. There were arbitrary arrests, prolonged pretrial detention, and incommunicado detention. The judiciary was subject to corruption and outside influence, including intimidation from security forces. The government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and movement. Sexual violence against women and girls, societal discrimination against women, and female genital mutilation (FGM) were problems. Trafficking in persons, ethnic discrimination, and forced labor, including by children, occurred." (United States Department of

State (11 March 2010) *2009 Country Reports on Human Rights Practices – Guinea*)

Paragraph 50 in Section III.A.9 of a March 2010 *UN General Assembly* report, under the heading 'Respect for the human person', notes:

> "The Criminal Code makes provision for offences against human life and the person and establishes criminal penalties for these offences in accordance with the principle that "no-one shall be subjected to torture or cruel, inhuman or degrading treatment of either their body in general or the reproductive organs in particular". In addition to the legal prohibition, steps are being taken to effectively combat all forms of violence, including female genital mutilation, early marriage, domestic violence and sexual abuse. However, abuses by law enforcement officers are rarely punished." (UN General Assembly (3 March 2010) *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1; Guinea*)

Paragraph 92 in Section III.B.3 of the same report, under the heading 'Rights to adequate food and to health', adds:

> "The fight against tuberculosis is based on screening and on treating contagious patients. To reduce maternal mortality, health policy will focus on caring for pregnant women at risk and dealing with obstetric emergencies, supervising deliveries, combating female genital mutilation, promoting family planning, extending immunization coverage and treating sexually transmitted infections." (ibid, p.13)

Paragraph 105 in Section III.B.7 of the same report, under the heading 'Advancement and protection of women and children', notes:

> "Government policy is reflected in:
> (i) The establishment, within ministerial departments, of services for the advancement and protection of the rights of women and children, and the establishment of the National Directorate for Women's Affairs and the National Directorate for Preschool Education and Child Protection, in order to ensure that gender is taken into consideration in sectoral development programmes and projects;
> (ii) The promulgation of Act No. L/2000/010/AN of 10 July 2000 on reproductive health, which includes provisions to stop female genital mutilation (art. 13);
> (iii) Legislation against violence, including the following articles of the Criminal Code: 295 to 305 (assault and battery), 282 (murder and manslaughter), 290 (death threats), 321 (rape) and 371 (libel);
> (iv) The fact that, in accordance with International Labour Organization (ILO) conventions, the right to work is recognized to everyone living in Guinea and has constitutional status. The same is true for the principle whereby "no one may be discriminated against in the workplace on account of his or her sex, race, ethnic origin or opinions". These guarantees and others are also covered by the Labour Code. In accordance with article 8 of the Constitution, which asserts the equality of men and women, the Labour Code does not discriminate against women with regard to access to employment;
> (v) The Children's Code, which has been in place since July 2009 and has already been published in the Official Gazette;" (vi) The introduction of a National Survey on Child Trafficking in Guinea (2003), funded by UNICEF;

the establishment in 2005 of a national committee to combat trafficking; the drafting of a national plan; the ratification of the ECOWAS Convention A/PI/7/92 on Mutual Assistance in Criminal Matters and ECOWAS Convention A/PI/8/94 on Extradition (ratified on 6 August 1994); the ratification in 1998 of the African Charter on the Rights and Welfare of the Child; and the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted on 15 November 2000 in New York. As a result, the Criminal Code was amended and cooperation agreements signed with Mali, in June 2005 in Conakry, and with Benin, the Niger, Burkina Faso, Côte d'Ivoire, Mali, Liberia, Nigeria and Togo, in July 2005 in Abidjan;
(vii) Stronger advocacy in favour of adopting the draft revised Civil Code and depositing the instruments of ratification for the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
(viii) The conduct of studies and surveys in the areas of concern highlighted by the Committee on the Elimination of Discrimination against Women (data disaggregated by sex) and on trafficking of women and girls;
(ix) The drafting of a national strategy to combat trafficking of women and girls, together with a plan of action for the implementation of the five-year strategic plan of the Ministry of Social Affairs and the Advancement of Women and Children;
(x) The drafting of a national strategic plan to combat female genital mutilation (2001–2010) by the unit coordinating efforts to combat harmful traditional practices affecting the health of women and children." (ibid, p.15-16)

Paragraph 134 in Section V.A.3 of the same report adds:

> "The Ministry of Social Affairs ensures compliance with conventions on children's rights and women's rights. A joint national five-year programme to combat female genital mutilation, supported by the United Nations Population Fund (UNFPA) and UNDP, is currently under way. National campaigns to combat excision are organized regularly and are strengthened through the involvement of NGOs and opinion formers, and the imposition of punitive measures." (ibid. p.19)

A February 2009 article from *UN Children's Fund (UNICEF)* notes:

> "CONAKRY, Guinea, 23 February 2009 – Women in Guinea took an important step forward recently as the country observed 'Zero Tolerance Day' against female genital mutilation/cutting (FGM/C) at Guinea's 'Palace of the People' in the capital, Conakry.
>
> In attendance at the event were Prime Minister M. Kabinet Komara as well as President Moussa Dadis Camara's Chief of Cabinet, Secretary and several advisors. Members of the diplomatic corps, UN Humanitarian Coordinator Mbaranga Gasarabwe and representatives from non-governmental organizations and other agencies were also there.
>
> Opening remarks by government officials included a quoted appeal from UN Secretary-General Ban Ki-moon. UNICEF Representative in Guinea Dr. Mohamed Cisse spoke as well." (UN Children's Fund (UNICEF) 23 February 2009) *Committing to end female genital mutilation in Guinea*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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