



COLTE/CRC

COALITION OF NGOs FOR THE PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD
FIGHTING AGAINST TRAFFICKING - COLTE / CDE-GUINEA

Supplementary report on the implementation of the Optional Protocol to the CRC on the involvement of children in armed conflict in Guinea.

Period covered: 2001-2016

Prepared by COLTE / CRC

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Abbreviations and acronyms

ACRWC	African Charter on the Rights and Welfare of the Child
ACCY	Advisory Council for Children and Youth
BTC	Basic Training in Common
CRC	Convention on the Rights of the Child
CG	Children's Government
CG	Children's Government
CPSYG	Child Protection System in Guinea
ECOWAS	Economic Community of West African States
GCMRC	Guinean Committee for the Monitoring of the Rights of the Child
HCMNPS	High Command of the National Military Police Station
IHL	International Humanitarian Law
ILO	International Labor Organization
NA	National Assembly
NCACYW	National Coordination of the Association of Children and Young Workers
NCIMR	National Commission for the Integration and Monitoring of Refugees
NDC	National Directorate for Children
N/A	Not Applicable
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPROGCM	Office for the Protection of Gender, Children and Morals
OAU	Organization of African Unity
PECIHL	Permanent Eligibility Committee
PCG	Parliament of Children of Guinea
UNHCR	Office of the United Nations High Commissioner for Refugees
UNO	United Nations Organization
UA	African Union

1. 1 INTRODUCTION

The initial report on the implementation of the Optional Protocol to the CRC on the involvement of children in armed conflict in Guinea, prepared in July 2014, was only submitted to the UN Committee on the Rights of the Child in Geneva, in April 2016. Thus, COLTE / CRC has undertaken to elaborate and transmit a supplementary report to this initial report. To this end, it has received ad hoc funding from UNICEF, Plan International Guinea and Child Fund-Guinea, as well as broader institutional support from Save the children International.

The Coalition of NGOs for the Protection and Promotion of the Rights of the Child, Fighting against Trafficking (COLTE / CRC), which submits this report, is an umbrella structure created on 27th June 2007. It brings together about a hundred national and international NGOs intervening in the field of Childhood in Guinea. This coalition is involved in the advocacy and monitoring of the implementation of children's rights in all the administrative regions of Guinea. The COLTE / CRC aims to improve the effectiveness and efficiency of interventions in favor of the rights and the protection of children in Guinea. Its objects are to:

1. Strengthen the capacity of NGOs to intervene in the field;
2. Be a credible interlocutor for all other partners / actors (state, donors, civil society) in the field of protection and promotion of the rights of the child in Guinea.
3. Develop synergies of actions among member NGOs.

The strategy of the COLTE / CRC is essentially based on the mobilization of the national and international community and the necessary resources to carry out training, information, awareness-raising, advocacy and lobbying actions for the protection and Promotion of children's rights in Guinea.

The COLTE /CRC brings about its actions within the framework of the implementation of the international legal instruments on the rights of the child in Guinea. The Coalition has installed and functional antennas in eight administrative regions of the country and covers the entire Guinean territory. The Coalition develops partnership relations with the ministerial departments, structures and institutions interested in children's issues in Guinea.

1.1 Methodology

The preparation of the present report was based on a methodology based on: (i) general guidance on the format and content of reports to be submitted by States parties to the international legal instruments on the rights of the child; and (ii) A guide for the presentation of OPSC and OPAC reports to non-governmental organizations developed by Child Rights Connect.¹

¹Group of the NGOs for the relative Convention to the child's rights: Presentation of reports on the OPSC and the OPAC - Guide for the non Governmental Organizations (2010)

The table below shows the main steps in the process and the corresponding methodology² :

STEPS	METHODOLOGY
Organization of a National Workshop of Methodological guidance	Sharing the content of the alternative report on the optional protocol to the CRC concerning the involvement of children in armed conflict in Guinea. Sharing and analysis of the initial report of the State. Sharing the content of the presentation guidelines for this protocol. Establishment of working groups by theme. Identification of themes related to this protocol. Methodological framework and development of collection tools. Setting up of a drafting committee.
Administration of a Survey	Selection and preparation of investigators. Interviews with representatives of 16 central structures States and non-State actors interested in the Implementation of this protocol in Guinea.
Document review	Research and analysis of study reports and progress reports on the implementation of this protocol in Guinea.
Drafting of reports	Setting up of a team of writing the draft of the report (consisting of three people) with guidance and supervision of a Consultant. Transmission of draft members to the Coalition Board of Directors and to resource persons for review and comment.
Validation of final report	Presentation / Explanation of the draft Correction and amendment in group work and plenary. Integration of corrections and amendments. Validation of the finalized report. Transmission of the finalized report to the actors and partners.

1.2 Structures that participated and / or supported the development of the report

The report is supported financially and technically by UNICEF, as well as by Plan International Guinea, Child fund, Save the Children and the Office of the United Nations High Commissioner for Human Rights (UNHCHR).

Representatives of the following organizations and structures participated in this process:

- The Board of Directors of COLTE / CRC
- The regional offices of the COLTE / CRC

² Note that the relative complementary reports to the OPAC and to the OPSC have been elaborated at the same time and according to the same process described here

- The Children's Parliament (CP)

- The Consultative Council for Children and Youth of Guinea (CCCYG).
- Child fund Guinea,
- Plan International Guinea,
- Office of the United Nations High Commissioner for Human Rights (OHCHR)
- The National Directorate for Children (NDC)
- Coordination of COLTE / CRC
- The Ministry of Security (OPROGCM)
- The Ministry of Justice
- National Coordination of the Association of Children and Young Workers (NCCCYW)
- The Ministry of Defense
- The High Command of the National Gendarmerie and Directorate of Military Justice (Child Protection Focal Point and Head of Child Protection and Gender Division)

1.3 General situation of Guinea.

The Republic of Guinea is surrounded by countries that have been hit since the 1990s by internal conflicts that have caused a series of influxes of refugees and returnees in Guinea. Indeed, the movements caused by the crises of Sierra Leone and Liberia in the 2000s were followed in 2010-2011 by new waves of refugees and returnees fleeing electoral violence in Côte d'Ivoire. As of November 2011, there were about 7,000 refugees and over 2,500 returnees in the Forest Region of Guinea in UNHCR refugee camps and in host communities near the Ivorian border. The consequences of these movements continue to affect peace and security in the country, particularly with the proliferation of small arms.

Moreover, several internal conflicts at the local level have been recorded regularly for decades, for social, political or economic demands, which have sometimes led to the intervention of the defense and security forces to restore order. The years 2013-2016 were marked by the epidemic of the Ebola Virus Disease (EVD) in one of the poorest countries in the world. Indeed, with a human development index of 0.41 and more than 6 million people living below the poverty line, the Republic of Guinea was ranked 182nd out of 188 countries in 2014, despite a strong agricultural and hydraulic potential as well as exceptional mineral

resources. Thus, about 60% of children live in poor households. This epidemic has worsened household poverty and the vulnerability of children and further undermined the already inadequate and underfunded health system and basic social services. Post-Ebola reconstruction is initiated and it represents an opportunity for the country to invest more and strengthen basic social services.

Practices contrary to the provisions of the protocol have been recorded, in particular, during the irregular recruitment of thousands of young people in defense forces in Forest Guinea between 2000 and 2001 to participate in retaliatory attacks by armed groups Liberia. Similarly, between 2009 and 2010, young people were recruited and trained in a military camp in Kaléah, in the district of Forécariah, during an attempt by Captain Dadis Camara, the head of the junta in power, to strengthen his position within The army and the government. The neglect of the precautions necessary to prevent the recruitment of children has favored the presence of several children among those who have been enrolled.

COLTE / CRC is not aware of any information on the consequences incurred by those responsible for practices contrary to the provisions of the Protocol which were set out in the preceding paragraph.

2 ANALYSIS OF THE STATE'S REPORT

2.1 General Measures of Implementation

2.1.1 Process for the preparation of the State Party Report

1. COLTE / CRC notes that several representatives of the structures concerned with the implementation of the Protocol were not informed of the participation of their structure in the preparation of the State report. It believes that active and effective participation of all key actors in the implementation of the Protocol requires that sufficient resources and time be given to the structures concerned not only to prepare themselves internally but also to report after their participation.

2. COLTE / CRC suggests that the State should be encouraged to strengthen the participation of key structures in the implementation of the Protocol in the preparation of the state report, in particular that of the Ministry of National Defense, the High Command of the National Military Police and the Directorate of Military Justice, the Directorate General of the National Police and the OPROGCM. The representatives of these structures in the process of preparing the state report must, before their participation, inform or consult their colleagues and, after their participation, report to their colleagues.

2.1.2 The Optional Protocol in the internal legal order

3. The COLTE / CRC confirms the indications in the State party's report. It states that the Children's Code referred to in the State's report is currently under revision at the time of writing. According to information gathered from persons involved in this review process, the compliance of the child's code with the provisions of the protocol will be preserved or even improved.

2.1.3 Services or public bodies primarily responsible for the implementation of the Protocol and coordination mechanisms

4. The COLTE / CRC confirms the information provided on this point in the State's report. However, it indicates that some departments, at the time of writing, have changed their names while retaining their roles and responsibilities in the implementation of the protocol. This is the case in particular with the Ministry of Human Rights and Public Liberties which has become the Ministry of National Unity and Citizenship.

5. The Independent National Institution for Human Rights, in charge of the promotion and protection of human rights (INIHR), was effectively set up in accordance with the provisions of Articles 146 and 147 of the Guinean Constitution of 2010. However, this institution does not have sufficient resources to assume its role of defending and monitoring human rights and the rights of the child in particular. The COLTE /CRC has not obtained any information on a significant action by this institution on the implementation of the Protocol.

2.1.4 Dissemination of the Protocol

6. The COLTE / CRC confirms the information provided on this point in the State's report, in particular the dissemination of the CRC and the formation of corporations such as justice assistants, social workers and defense and security forces. However, it is to be regretted that the dissemination of the Protocol as such and explicitly has been practically halted since 2002. The training of judges and lawyers in the implementation of this protocol remains a challenge, State.

7. COLTE / CRC suggests recommending that the State accelerate the process of integrating training modules on children's rights into the initial training curricula of schools of defense and security forces, including The CRC and its Optional Protocols.

8. COLTE / CRC is happy of the existence of focal persons for the rights of the child in the army, the military police and the police, as well as the good collaboration between these focal points and defense NGOs Of the rights of the child. The coordination unit for actions taken in favor of minors set up since 2006 is an illustrative example. Since its creation, it has been meeting regularly every month, on the premises of the Terre des hommes Foundation, representatives of national and international NGOs, Ministries in charge of defense, security, justice, as well as United Nations System Agencies (UNICEF, UNHCHR) to consult one another and coordinate their actions.

9. COLTE / CRC suggested recommending to the State that these focal points be made more valued by providing them with the necessary means for the dissemination of protocols within the personnel of the defense and security forces.

2.1.5 Information on progress made in the implementation of the Protocol, gaps to be filled and difficulties to be overcome

10. The COLTE / CRC confirms the information provided on this point in the State's report. However, it deplors the fact that the Child Protection Unit in the Armed Forces has been out

of operation for several years and that the Child Protection Division set up within the High Command of the Military Police Station is not equipped logistical and financial resources to effectively contribute to the implementation of the provisions of the Protocol.

11. COLTE /CRC suggests recommendations to the State for the revitalization of the Child Protection Unit within the Armed Forces and the allocation of sufficient resources both to this cell and to the Division for the Protection of Children within the Armed Forces. High Command of the National Military Police.

2.1.6 Existence of an Independent National Institution for the Defense of Human Rights

12. The COLTE /CRC confirms the fact that the Constitution of Guinea enshrines the establishment of an independent National Institution for Human Rights and testifies to the efforts of the State and the technical and financial partners for the establishment of this Independent Institution.

13. COLTE / CRC pointed out that, at the time of writing, this institution was actually in place. This institution has already benefited from substantial technical support from UNHCHR in strengthening the capacity of its members to monitor and report on human rights violations. However, INIHR has not yet sufficient resources to accomplish its mission.

14. COLTE / CRC suggested recommending to the State to provide INIHR with the necessary resources for its operation.

2.1.7 Analysis of factors and difficulties in the implementation of the Protocol

15. As mentioned in the State's report, COLTE /CRC confirms that: "... the age of recruitment into the Guinean armed forces is 18 years. Moreover, the relative social stability, the absence on the national territory of children who are victims of armed conflicts and the existence of a mechanism for managing asylum seekers and refugees mean that, in operational terms, Particular, have not been recorded in the implementation of the Optional Protocol. The existence of several administrative, legislative, judicial and regulatory texts puts the country at the forefront of the implementation of the Optional Protocol. "

2.2 Prevention of the recruitment and use of children in hostilities

2.2.1 Legislative, administrative or other measures taken to prevent the compulsory recruitment and direct participation of children in hostilities.

16. The COLTE / CRC confirms the information provided at this level in the State report, in particular those relating to the provisions:

- Articles 429 and 430 of the Law of 18 August 2008 on the Guinean Child Code, which prohibits any recruitment of persons under 18 years of age into armed forces and groups and their involvement In armed conflicts,
- Law No. 001 / CNT / 2012 on the general status of military personnel, Article 39 of

which sets the minimum age for enlistment of children in the armed forces at 18

- Law L / 2013/01044 / CNT on the special status of the Police promulgated on 12th January 2013.

17. The report of the State indicates in point 11b that the following documents are considered reliable to verify the age of recruits before their admission to military service:

- Certified birth certificate
- Legal copy of diplomas
- Certificate of Residence
- Certificate of criminal record dated less than three (3) months
- Four passport photos

However, several people interviewed in the preparation of this report have stated that, in reality, these documents are unreliable, in particular because of the low computerization and poor record keeping of the structures responsible for issuing them.

18. The COLTE / CRC confirms in particular the information referred to in point 11d that "military service is not compulsory in the Republic of Guinea. However, until the mid-1980s this service was compulsory for students at the end of the cycle (2 months)". However, COLTE / CRC notes that at the time of writing this supplementary report, an article in the online press³ reported that "the Minister of Higher Education has announced the reinstatement of military-civic services". This indicates the government's intention to resume this practice from 2017 which was abandoned since 1980s.

19. No specific policy for preventing and combating the recruitment of children into groups or armed forces has been identified. Prevention and control measures against child recruitment consist of micro-projects that are discontinuous in time and space, including training and awareness-raising on human rights and the rights of the child of the defense and security forces.

20. However, collaboration between the defense and security forces and human rights and children's rights organizations, particularly in the realization of these micro-projects, has been very good for several years Levels: central, regional and prefectural.

2.2.2 Minimum guarantees for voluntary recruitment.

21. The COLTE / CRC confirms that, as mentioned in the State report, "the guarantees put in place to ensure that the commitment is actually voluntary, as well as the procedure to be

³ Guineanews.org / Education-the-minister yero-balde-announces-the-return-of- militar-civic-services-in-the-universities-of-2017 / (accessed 14/01/2017)

followed, are defined in Law No. 001 / CNT / 2012 on the General Status of Military Officials "and all the information provided under point 12a under item 12f

2.2.3 Article 3, paragraph 5, of the Optional Protocol.

22. The COLTE / CRC confirms the information referred to in the State Report relating to OPAC Article 3, paragraph 5, with the following comments and clarifications:

23. In practice, recruitment / recruitment into the armed forces has not been objectively discriminated against on the basis of gender, ethnicity, language, religion, political or regional affiliation. However, procedures for the selection of children to pursue their studies in the schools of children from neighboring countries are not sufficiently disseminated. Several people interviewed on the issue believe that this favors discrimination because only the children of a certain elite are selected. This leads to nepotism.

24. The human rights training modules developed with the support of UNHCHR and mentioned as being validated are now effectively validated.

Their reproduction and provision of training centers and training of the defense and security forces are scheduled for 2017 according to UNHCHR.

2.2.4 Enrolment of children in armed forces distinct from those of the State.

25. The COLTE / CRC confirms the information mentioned in the State's report under item 14a to item 14a, which states in particular: "The Republic of Guinea has never been confronted with conflicts leading to the formation of armed groups on its territory and least from other territories". However, it specifies that Guinean children were enrolled in armed groups distinct from those of the State in the 2000s in Liberia. In particular, 21 of these demobilized children in Liberia have benefited from a repatriation and reintegration program in Forest Guinea with the support of the ICRC, UNICEF and the NGO Sabou-Guinée in the years 2005-2007.

2.2.5 Methods used to identify children who, due to their economic and social circumstances, are particularly vulnerable to the contrary practices of the Optional Protocol.

26. As stated in the State Report, the Children's Code provides for a number of provisions that protect refugee children, children affected by armed conflict, separated children, children in conflict with the law. It also requires the competent authorities to provide assistance to humanitarian organizations responsible for protecting and assisting children. The State's report states that a protection system called CPSYG has been put in place to, inter alia, identify vulnerable children and provide them with protection services according to their needs. This CPSYG, composed of structures at the level of the region, the prefecture, the commune, the district (or district) and the village (or sector), must cover the entire territory

27. In practice, the CPSYG structures at district and district level have only been implemented in areas affected by the epidemic of the Ebola Virus. Overall, these structures are very poorly functional. Even those that work are not viable because they depend in most cases on programs and projects supported by UNICEF and NGOs such as Plan International Guinea, Child fund, Save the Children, Terre des hommes and the International Social Service.

28. COLTE / CRC suggested encouraging the State to popularize and implement its national policy on the promotion and protection of the rights and welfare of the child (NPPPRWC), which had been validated in 2015 and which provided for the strengthening of the CPSYG.

2.2.6 Information on measures taken to prevent attacks on civilian objects protected by international humanitarian law and other international instruments, in particular places where many children are usually found.

29. Advocacy and training of military personnel, particularly through IHL training programs, are the main measures taken by the State to prevent attacks on protected civilian objects. There are also sometimes signs of signaling schools, hospitals and places of worship. But these insignia are neither formalized, nor durable, nor even sufficiently visible.

2.2.7 Campaign or other measures to raise public awareness of the Protocol's practices and provisions.

30. Measures to raise awareness of Protocol practices are primarily for military personnel. The COLTE / CRC is not aware of any significant public awareness campaigns specific to the provisions of the Protocol, apart from the more general ones relating to the CRC and the ACRWC. However, in the (Sierra Leone, Liberia and Côte d'Ivoire), localized campaigns to sensitize communities and officials (civil and military) on the Protocol were organized in forest Guinea by national NGOs with the support of Unicef, Save the Children and the Swiss Cooperation.

31. National Citizenship Week and the ambition of the Ministry of National Unity and Citizenship to include courses on human rights and citizenship in school and university curricula offer opportunities to raise awareness about The Protocol and the practices concerned.

32. COLTE / CRC suggests recommendations that the State introduce training and awareness-raising programs on the rights of the child in higher education.

2.3 Prohibition and related matters

33. *The provisions of articles 1, 2 and 4 of the Protocol are taken into account in the Child Code Act, Chapter VI, entitled "Children in armed conflicts, displaced, refugee and separated children". It punishes "conscripting or enlisting children under the age of 18 in the armed forces or in an armed group or involving them in hostilities" and the Act on the General Status of Military Members and That the code of conduct of the defense forces are also part of the legal texts that contribute to the implementation of the provisions of the Protocol.*

34. *In practice, no offenses relating to the matters covered by the Protocol have been brought before the courts in Guinea.*

35. *According to the new Code of Criminal Procedure, "in the case of an offense, public proceedings are prescribed after three years; It is carried out according to the distinctions specified in Article 3 of the Code of Criminal Procedure. In particular, if during this period of 3 years, acts of investigation or prosecution have been carried out, this action is not prescribed until after 3 years since the last act. Where the victim is a minor and the crime has*

been committed by a legitimate, natural or adoptive ascendant or by a person having authority over him, the limitation period shall be reopened or opened again for his benefit for the same period from his majority. "

2.3.1 The existing criminal laws defining and regulating the offenses listed in paragraphs 1 and 2 of Article 4

36. The COLTE / CRC confirms all the information mentioned in the State's report, from point 19a to point 19g, with the following comments and information:

- the Child Code is in the process of being revised but all relevant provisions in relation to the Protocol will be maintained,
- a new version of the Penal Code was adopted and promulgated on 26 October 2016, but this version repeats all relevant provisions in relation to the Protocol. In particular, articles 792 and 795 of the Code in question prohibit the conscription or enlistment of children under the age of 18 years in the national armed forces or their active participation in hostilities by criminal confinement perpetuity. Similarly, Article 703 of the new Code of Criminal Procedure (also adopted and promulgated on 26 October 2016) commits the Republic of Guinea to participate in the suppression of offenses (including the recruitment of child soldiers as a war crime) and Cooperate with the International Criminal Court under the conditions laid down in the said Code

2.3.2 Relevant laws, decrees, military codes and regulations adopted by the national legislature

37. COLTE / CRC confirmed that, as mentioned in the State report, the following texts were applicable:

- Law L / 2008/011 / AN on the Guinean Child Code;
- Law L / 2000/012 / AN on the Status of Refugees in the Republic of Guinea;
- Law N ° 001 / CNT / 2012 on the General Statute of the Military;
- Law 002 / CNT / 2011 on the Code of Military Justice;
- Decree N°. D 289 / PRG / SGG / 2011 on the Code of Conduct for Defense Forces.

38. On the other hand, Act No. 036 / an / 98 of 31st December 1998 on the Penal Code and Act No. 037 / an / 98 of 31st December 1998 on the Code of Criminal Procedure are no longer in force and have been replaced by new laws promulgated on 26th October 2016. However, these new versions of the Criminal Code and the Code of Criminal Procedure incorporate all the relevant provisions relating to the Protocol and all the provisions of the Rome Statute of the International Criminal Court

2.3.3 Any existing legislation considered as an obstacle to the implementation of the Protocol

39. COLTE /CRC has not identified any legislation impeding the implementation of the Protocol.

2.3.4 The criminal liability of legal entities such as private military operation and security companies

40. The new Law on the Penal Code, unlike the former, is not silent on the liability of legal persons. Article 280 lays down the principle of criminal liability of legal persons to the exclusion of State. The criminal liability of legal persons does not exclude that of the natural persons who direct the latter, the material authors or the accomplices of the facts concerned.

2.3.5 Legislative provisions establishing competence to entertain acts and offenses referred to in Articles 2 and 4 of the Protocol

41. As stated in the State's report, "Guinean legislation prohibits the recruitment of children under 18 years of age into the national armed forces and into armed groups. The Guinean courts and tribunals are competent in this matter, the basis is the principle of territoriality of the laws. "

2.3.6 National legislative provisions that establish extraterritorial jurisdiction to deal with violations of international humanitarian law.

42. The Code of Military Justice adopted in 2012 contains provisions which could refer to crimes committed by military personnel abroad with its article 18, according to which "military courts are competent to investigate and try ordinary offenses committed by Military or similar persons in the service, military establishments or the host, as well as military offenses under this Code in accordance with the rules of procedure applicable to them. Host expression refers to the location of the member on the move. If the displacement takes place within the national territory, the expression refers only to the dependencies and domicile of the person who has hosted the soldier (s). If the displacement takes place in a foreign territory, the expression refers to any offense committed at any point in the foreign territory ".

2.3.7 Legislation, policy and practice concerning the extradition of persons accused of committing offenses under the Protocol

43. The Code of Criminal Procedure provides for extradition and states in particular that: "in the absence of treaties, the conditions, procedure and effects of extradition shall be determined by the provisions of this Act which apply also to matters not expressly regulated by those treaties. In addition, Guinea is a party to the Extradition Convention between the States of ECOWAS, adopted in Abuja in 1994.

44. Moreover, the provisions of articles 704 and the followings of the new Guinean Code of Criminal Procedure provide for the possibility of mutual legal assistance with the International Criminal Court for the prosecution and trial of any person prosecuted for offenses under his jurisdiction (Including the crime of enlisting children).

2.4 Protection of victims' rights

2.4.1 Right and best interests of children victims of practices prohibited by the Protocol

45. Article 2 of the Guinean Child Code provides that the best interests of the child shall be the paramount consideration in all measures taken with respect to the child by public or private institutions, courts Or the administrative authorities. Examples of the application of this principle are the demobilization / social reintegration project of 250 child volunteers in 2002 and the socio-occupational reintegration of 945 young recruits from Kaléahen 2013-2014.

2.4.2 Measures taken to provide training to persons caring for child victims of offenses prohibited by the Protocol.

46. Some capacity-building workshops for magistrates and police officers on the implementation of the Children's Code were organized, notably by Child Fund Guinea and Terre des Hommes Guinéens in 2010/2011/2012, in Kindia and Conakry. Terre des Hommes-Lausanne also organized training sessions for a pool of trainers from OPROGCM in 2009, 2010 and 2011.

2.4.3 Public and private demobilization programs to provide

Social reintegration for children victims of recruitment

47. In 2002, the Ministry of Social Action, Promotion of Women and Children carried out a demobilization and socio-occupational reintegration project in the prefectures of Kissidougou and Guékédou, involving 350 children involved in the response to rebel attacks at the borders With Liberia in 2001. In 2011, Plan International Guinea, in collaboration with the NGOs World of Children (WOC) and REFMAP, began the implementation of a project called "Cross Border", financed by Plan International Germany, aimed at rehabilitating vulnerable children and young people who are severely affected by socio-economic conflicts and crises and Political rights in Guékédou and Macenta.50 children between the ages of 15 and 18, of whom 46 girls benefited from kits of income-generating activities.

48. The Ministry of Youth and Youth Employment has carried out a project for the socio-professional reintegration of more than 900 young people demobilized from Kaléah.

2.4.4 Measures taken to ensure the protection of the child's identity.

49. As mentioned in the report of the State, the Child Code contains several provisions relating to the protection of victims and witnesses. According to the information gathered by COLTE / CRC all these provisions will be renewed in the future revised version of this Code. Similarly, Law L / 2000/012 on the status of refugees in the Republic of Guinea contains provisions on the protection of witnesses.

50. Finally, the new Code of Criminal Procedure regulates the procedure for reparation for victims of crime in connection with the execution of judgments rendered by the ICC (articles 719 the followings); establishes, in each Court of first instance, an Office for the assistance of victims of crime (section 857); establishes a procedure for sexual offenses and the protection of child victims. Several of its other provisions, such as the preliminary inquiry and conditional liberation, also emphasize the rights of victims and witnesses of criminal acts.

2.5 International assistance and cooperation

51. Since 2000, Guinea has benefited from international assistance and cooperation in implementing projects contributing to the implementation of the Optional Protocol on the involvement of children in armed conflict, well before its ratification. These include programs for the social reintegration of children and young people who have been associated with armed groups, as well as training and sensitization of military personnel and members of community organizations on the prevention of child recruitment in Armed groups and the armed forces. These programs were carried out in partnership with the State by NGOs (national and international) and with the support of UNICEF, UNHCR, the UN Peace building Fund, the ICRC, Save the Children, ECOWAS, German Cooperation and Swiss Cooperation.

2.6 Other legal provision

2.6.1 Provisions of national law, international law and the state of ratification of international humanitarian law.

52. All the provisions of international law remain and remain binding because they have been ratified without reservation and do not contradict the application of the Optional Protocol to the involvement of children in armed conflicts. Similarly, all the provisions of this protocol are in line with those of the National Law of the Republic of Guinea, in particular, as mentioned above, the Law on the Child Code and the Law on the Status of Refugees and the new penal and of criminal procedure of October 2016.

2.6.2 State of ratification of the main international humanitarian law instruments.

53. The Republic of Guinea has acceded to conventions, treaties or charters at regional and international level, among which are:

- ✓ The African Charter on the Rights and Welfare of the Child (ACRWC), ratified on 27/05/1999;
- ✓ The OAU Convention on the Problems of Refugees in Africa, signed on 10th September 1969 in Addis Ababa;
- ✓ The bilateral cooperation agreement between Guinea and Mali on combating trafficking in children, signed on 16th June 2005; The Multilateral Cooperation Agreement between Guinea and 9 other States of the sub-region, namely Côte d'Ivoire, Liberia, Burkina Faso, Benin, Niger, Mali, Togo and Nigeria And Sierra Leone;
- ✓ The African Union Non-Aggression and Defense Pact;
- ✓ ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, ratified on 10th December 2001;
- ✓ The 1993 Hague Convention on Protection of Children and Cooperation in Respect of

Inter-country Adoption, 27/05/1999;

- ✓ The Hague Convention on the Civil Aspects of International Child Abduction, accession on 25th October 2011;
- ✓ The Rome Statute of the International Criminal Court adopted on 18th July 1998;
- ✓ The Geneva Convention of 12th August 1949;
- ✓ The Convention relating to the Status of Refugees, adopted at Geneva on 28th July 1951, and the Protocol relating to the Status of Refugees concluded at New York on 31st January 1967.

54. However, the delay in the process of depositing with the United Nations the instrument of ratification of the Protocol (note that this Protocol was ratified on 10th December 2001 by the National Assembly of Guinea and 'was tabled in April 2016). This situation caused Guinea to lose enough external financing opportunities for the development of genuine DDR programs for the 250 children volunteers who fought alongside the army during the rebel attacks of 2001 and 2002 on the southern borders of the country , As well as 1,600 children ex-Kaléah.

55. It should also be pointed out that despite the advocacy carried out by COLTE / CRC, the Guinean State has not yet ratified the third optional protocol to the CRC establishing a procedure for the submission of communications. The ratification of this third protocol will make it possible to reinforce the application of the provisions of this 2nd protocol.

3 RECOMMENDATIONS

3.1 Summary of main themes and areas of concern

General measures of application

Dissemination of the protocol

56. However, it is to be regretted that the dissemination of the Protocol as such and explicitly has practically ceased since 2002. The training of judges and lawyers in the implementation of this protocol remains a challenge for the State.

Data on progress made in the implementation of the Protocol, gaps to be filled and difficulties to be overcome

57. COLTE / CRC deplors the fact that the Child Protection Unit in the Armed Forces has been out of operation for several years and that the Child Protection Division set up within the High Command of the Gendarmerie is not With sufficient logistical resources and financial resources to contribute effectively to the implementation of the provisions of the Protocol.

Existence of an Independent National Institution for the Defense of Human Rights

58. The Independent National Institution for Human Rights, in charge of the promotion and protection of human rights (INIHR), has been effectively set up but does not have sufficient resources to assume its role of defending and monitoring human rights Human rights and the

rights of the child in particular, and the COLTE / CRC has no information on any significant action by this institution relating to the implementation of the Protocol.

Prevention of the recruitment and use of children in hostilities

Legislative, administrative or other measures taken to prevent the compulsory recruitment and direct participation of children in hostilities.

59. Several persons interviewed during the preparation of this report have stated that, in reality, the documents issued by the civil service are unreliable, in particular because of the low computerization and poor record keeping. No specific policy for preventing and combating the recruitment of children into groups or armed forces has been identified. Actions to prevent and combat the recruitment of children consist of discontinuous micro-projects in time and space, including trainings and awareness-raising on human rights and the rights of the child for the defense and security forces.

Article 3, paragraph 5 of the optional protocol.

60. COLTE / CRC remains concerned that the procedures for the selection of children to pursue their studies in the schools of children from neighboring countries are not sufficiently disseminated. Several people interviewed on the issue believe that this favors discrimination because only the children of a certain elite are selected.

Campaign or other measures to raise public awareness of the Protocol's practices and provisions.

61. The COLTE / CRC is not aware of any significant public awareness campaigns specific to the provisions of the Protocol, apart from the more general ones relating to the CRC and the ACRWC.

Prohibition and Related Issues

62. No offenses relating to the facts covered by the Protocol have been brought before the courts in Guinea.

3.2 Summary of recommendations:

63. COLTE /CDE suggests recommendations to the State:

- Improve the participation of key structures in the implementation of the Protocol in the preparation of the State report, in particular those of the Ministry of National Defense, the High Command of the National Military Police Station and the Directorate of Military Justice, The Directorate General of the National Police and the OPROGCM. These structures should not be merely sources of statistical data. They may / must be represented in the commission drafting / drafting the report of the State.
- Accelerate the process of integrating training modules on children's rights, including the CRC and this optional protocol into the initial training curricula of defense and security schools.
- Include training modules on children's rights, including the CRC and its optional

protocols, in training courses organized by the Judicial Training and Documentation Center of the Ministry of Justice for pupils, clerks, Magistrates and lawyers.

- To enhance the focal points of the rights of the Armed Forces and the Gendarmerie by providing them with the means necessary for the dissemination of this protocol among the personnel of the defense and security forces.
- Reinvigorate the Child Protection Unit in the Armed Forces, provide adequate resources and strengthen the capacities of members to intervene both in this cell and in the Child Protection Division in the High Command of the Military Police Station.
- To provide the NHRI with the necessary resources for its operation, to revise the law establishing the institution in order to comply more closely with the Paris principles and to request support from its technical and financial partners, Office of the United Nations High Commissioner for Human Rights, UNDP and the European Union).
- To popularize and implement its national policy on the promotion and protection of the rights and welfare of the child (NPPPRWC), which was validated in 2015 and provides for the strengthening of the CPSYG.
- Improve the use of domestic remedies, including better information for the population and support for access to courts and lawyers.
- Facilitating children's access to domestic judicial remedies for violations of their rights.