

## Women's rights protection instruments ratified by Guinea-Conakry:

- **CEDAW**: ratified en 1982
- **CEDAW Protocol**: not signed
- **Maputo Protocol**: signed in 2003

**Ratify!** Guinea-Conakry has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), but has not ratified its Optional Protocol. Furthermore, although the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) was signed in 2003 and has been ratified by the National Assembly, the formal ratification instruments have never been deposited with the African Union and remain with the Ministry of Foreign Affairs.

**Respect!** The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Guinea-Conakry: persistence of discriminatory legal provisions; harmful traditional practices including early and forced marriages and feminine genital mutilation; violence against women perpetrated with total impunity; and limited access of women to education, health, employment, decision-making positions and justice.

## / Some positive developments...

The appointment by decree of 168 women in the administration in 2008, following intense advocacy work from civil society organisations.

## / But discrimination and violence persist

### IN LAW

In Guinea-Conakry three types of law are applied, customary, religious and statutory law, creating confusion that undermines respect for women's rights. A draft Family Code (*Code des personnes et de la famille*), a draft Code on children, as well as amendments to the Civil Code, have been under preparation for several years but have not yet been adopted.

Statutory law, especially the Civil Code, contains many discriminatory provisions, including:

**Marriage:** The minimum legal age for marriage is 17 for women and 18 for men, and the Public Prosecutor is authorized to waive the limitation under certain conditions (art. 280).

**Marital and parental authority:** "The husband is the head of the family" (art. 324). Thus, he chooses the place of residence for the family (art. 247 and 331) and may object to his wife exercising the profession of her choice (art. 328). In cases of divorce, a woman only has custody of children until they are aged 7 years (art. 359).

**Adultery** is considered a ground for divorce if committed by the wife. If committed by the husband, it will only be considered as such if the act took place in the family home (art. 341 and 342).

## **IN PRACTICE**

### • **Discrimination in the family**

Early and forced marriages are common in most ethnic and religious groups and the practice of sororate persists (obligation for the sister of a deceased wife to marry her brother-in-law). In 2005, the UN estimated that 46% of girls between the age of 15 and 19 were married, divorced or widowed. Although polygamy is explicitly prohibited by the Civil Code (art. 315), it is estimated that about half of Guinean women are in polygamous unions.

### • **Violence**

Domestic violence and rape are defined as offences under the Criminal Code, but in practice widespread impunity seriously limits the reporting of violence against women. Only 8 cases of rape were reported to the police in 2008. Marital rape is not criminalised.

On 28 September 2009 and the days that followed, “at least 109 women have been victims of rape and sexual violence, including sexual mutilation and sexual slavery” according to the United Nations International Commission that investigated the massacre that took place in Conakry Stadium during a rally of opposition forces. None of the perpetrators and key leaders identified by the Commission of Inquiry as senior officials of the junta have yet been prosecuted.

Guinea-Conakry is a country of origin, transit and destination for trafficking in women and children for the purposes of forced labor and sexual exploitation to destinations including Côte d’Ivoire, Benin, Senegal, Nigeria, South Africa, Spain and Greece. Although Guinean law prohibits forced labor and exploitation of vulnerable people, insufficient measures have been taken by the Government to fight the causes and extent of trafficking.

Female genital mutilation (FGM) has been illegal since 2000 but continues to be practised in all regions of the country, regardless of levels of socioeconomic development. Perpetrators of FGM are never prosecuted. In 2005, it was estimated that 96% of women and young girls were victims of FGM.

### • **Obstacles to access to health**

Guinean women suffer difficulties in accessing adequate health services, especially obstetric care and family planning (particularly in rural areas). The maternal mortality rate is one of the highest in sub-Saharan Africa (980 for 100 000 births in 2006).

### • **Obstacles to access to education**

Although education is free, the schooling of the Guinean population in general and girls in particular, remains low. The rate of illiteracy of women and girls is very high as well as the dropout rate, due in part to the prevalence of early marriages, preg-

## The Coalition of the Campaign calls on the authorities of the Guinea-Conakry to:

- **Reform or repeal all discriminatory legislative dispositions**, in conformity with CEDAW, including provisions of the Civil Code and adopt non-discriminatory laws in the area of the family.
- **Harmonise statutory, religious and customary law**, in conformity with CEDAW, and ensure, where conflicts arise that statutory law prevails.
- **Strengthen laws and policies to protect women from violence**, including: by amending the Criminal Code so as to extend the provisions concerning rape to marital rape; allocating additional financial resources to the fight against domestic violence; and adopting a law that prohibits trafficking of women.
- **Bring promptly to justice those responsible for crimes committed on and around 28 September 2009**, including those responsible for rape and other crimes of sexual violence; and the Guinean justice system is unable to prosecute and punish perpetrators, facilitate, in accordance with the principle of complementarity, refer such crimes to the ICC.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, notably by: ensuring equal access to all levels of education; retaining girls within the educational system, including pregnant students; launching awareness-raising programmes; and setting up classes for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to increase women's participation in public and political life**, in particular: by adopting temporary special measures, including a system of quotas, to ensure increased representation of women in decision-making positions; and taking measures to end discrimination against women in employment, in conformity with article 18 of the Constitution.
- **Take measures to ensure that all women have access to quality healthcare**, including obstetrics and family planning.
- **Take all necessary measures to ensure women's access to justice and fight impunity**, including: developing awareness-raising campaigns and trainings those responsible for implementing laws that protect women (police, health and judiciary personnel); enacting legislation that enables organizations defending human and women's rights to file complaints on behalf of victims and to participate in civil action proceedings.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, through simplification of legal documents and awareness-raising programmes targeting women and men, including governmental actors, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW and complete the ratification process of the Maputo Protocol**.
- **Implement all recommendations issued by the CEDAW Committee** in August 2007.

nancies and domestic trafficking. The rate of schooling of girls in Guinea is 69% in primary education and 20% in secondary education (2003-2008).

### • **Obstacles to access to employment and under-representation in public and political life**

Although the Guinean Constitution (art. 180) provides for equal access to employment, women continue to suffer from professional segregation and many occupy unskilled and low-paid jobs. Women are over-represented in the informal sector that provides no social protection and are under-represented in decision-making positions, including within the National Assembly (19 women MPs out of 114), the diplomatic service and local administration.

### • **Obstacles to access to justice**

Access to justice is almost impossible due to lack of information on rights and laws that protect women, high illiteracy rates among women, and procedural costs. Moreover, lack of training of police and judiciary personnel on laws protecting women's rights, undermines the success of complaints and discourages victims from seeking justice.

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## **PRINCIPAL SOURCES**

- Focal Points: WILDAF-GC, OGDH, CONAG-DCF
- Recommendations of the CEDAW Committee, August 2007
- Report of the UN International Commission of Inquiry to investigate the facts and circumstances of the events of 28 September 2009 in Guinea, 2009
- UNICEF, [www.unicef.org](http://www.unicef.org)
- OIF, [www.genre.francophonie.org](http://www.genre.francophonie.org)

**For more information on women's rights and the actions of the campaign in Guinea-Conakry, see: [www.africa4womensrights.org](http://www.africa4womensrights.org)**

## **THE CAMPAIGN FOCAL POINTS IN GUINEA-CONAKRY**

### **WILDAF-Guinea Conakry**



WILDAF-GC is a member of WILDAF, a Pan African network whose objective is to promote and enforce human rights in general and those of women in particular. WILDAF-GC participates in national, regional and international campaigns and meetings and provides support to women victims of violence.

[www.wildaf-ao.org](http://www.wildaf-ao.org)

### **Organisation guinéenne pour la défense des droits de l'Homme (OGDH)**

Established in 1990, OGDH promotes and protects human rights through training and seminars on human rights and reports on the human rights situation in Guinea.

### **Coalition nationale de Guinée pour les droits de la Citoyenneté des femmes (CONAG-DCF)**

CONAG-DCF is a coalition of eight human rights organisations in Guinea. It conducts field activities and advocacy work at the national and international level.