



COLTE/CRC

**COALITION OF NGOs FOR THE PROTECTION AND PROMOTION OF THE RIGHTS
OF THE CHILD FIGHT AGAINST TRAFFICKING - COLTE / CRC-
GUINEA**

Supplementary report on the implementation of the Optional Protocol to the Convention on the Trafficking of children, prostitution and child pornography in Guinea

Period Covered: 2001-2016

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Abbreviations and Acronyms

AAA	Approved adoption agency
ACCYG	Advisory Council for Children and Youth of Guinea
ACRWC	African Charter on the Rights and Welfare of the Child
AMAG	Association of Mothers and Girls
BC	Busy Child
CBPP	Capacity Building Program for Peace
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPSYG	Child Protection System in Guinea
CLCGYP	Center for listening, counseling and guidance of young people
CNFCT/CRC	Coalition of Non-Governmental Organizations to Fight against Child Trafficking
CRC	Convention on the Rights of the Child
CSWP	Center for the Support of Women's Self-Promotion
CVPE	Village Committee for the Protection of Children
DCPC	District Committee for the Protection of Children
DJI	Directorate of Judicial Investigations
ECOWAS	Economic Community of West African States
EFA	Education for All
EPI	Expanded Program on Immunization
FICHTRA	Fight against child trafficking in Africa
GCMRC	Guinean Committee for the Monitoring of the Rights of the Child
GOHR	Guinean Organization for Human Rights
IAC	International Adoption Committee
ICC	International Criminal Court
ILO	International Labor Organization
IRC	International Rescue Committee
JPO	Judicial Police Officer
LCP	Local Committee of Protection
LCPC	Local Council for the Protection of Children
LVC	Local vigilance committee
MSAPFE	Ministry of Social Action, Promotion of Women and Children
NAFA	Second Chance School
NAOCIG	National Office of Cinematography of Guinea
NCACYW	National Coordination of the Association of Children and Young Workers
NCCSO	National Coordination of Civil Society Organizations
NCCTPC	National Committee to Combat Trafficking of Persons and Children
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPROGCM	Office for the Protection of Gender, Children and Morals
PA	Parents' Association
SAPE	Sectoral Adjustment Program of Education
SELECT	Stop the work and exploitation of children and educate them for the future
PCG	Parliament of Children of Guinea
SEP	Sectoral Education Program
UNO	United Nations United Nations
VCM	Village Committee for Monitoring
VOP	Village Operational Unit

WAN
PRSD
CFLC

West Africa Network for the Protection of Children
Poverty Reduction Sector Document
Child and Family Local Council

I. INTRODUCTION

The initial report on the implementation of the Optional Protocol to the CRC on the Trafficking of children, prostitution and child pornography in Guinea, prepared in July 2014, was submitted to the Committee on the Rights of the Child United Nations Office in Geneva in April 2016. Thus, COLTE / CRC undertook to prepare 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, Fight 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 at improving the effectiveness and efficiency of interventions in favor of the rights and the protection of children in Guinea. Its objectives 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 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 count¹ry 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 .Methodology

The preparation of the present report was based on a methodology based on: (i) general guidelines on the format and content of reports to be submitted by States parties to the international legal instruments on the rights of the child; (ii) the guide For the submission of OPSC and OPAC reports to non-governmental organizations developed by Child Rights Connect¹.

¹ Group 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.

2. Structures that participated and / or supported the preparation of the report

The preparation of 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 (OHCHR)

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

- The Board of Directors of COLTE / CRC,
- The regional offices of COLTE / CRC,
- The Children's Parliament (CP),
- The Consultative Council for Children and Youth of Guinea (CCCYG),
- Child fund Guinea,
- Plan International Guinea,
- The Office of the United Nations High Commissioner for Human Rights (OHCHR)
- The National Directorate for Children,
- Coordination of COLTE / CRC,
- The Ministry of Security (OPROGCM),
- The Ministry of Justice (Children's Court),

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.

- National Coordination of the Association of Children and Young Workers (NCACYW)
- 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 ³Gender Division)

3. General situation of Guinea.

The Republic of Guinea has ratified and promulgated the Optional Protocol to the United Nations Convention on the sale of children, child prostitution and child pornography by Law L / 2001/024 / AN of 10 December 2001. It entered into force after the deposit of the instrument of ratification with the United Nations in 2011. This protocol implicitly and explicitly refers to a number of traditional practices that are very common in the Republic of Guinea.

The frequent movement of children in the Republic of Guinea exposes children to practices covered by this Protocol. In particular, practices of nomadism, rural exodus, emigration and "entrustment" are very common traditions in several communities in Guinea. While in the past these traditional practices provided educational opportunities for children, today they have become factors that promote exploitation and trafficking of children.

Similarly, adopting children based on traditions and customs not reported to the authorities is very common.

Child marriages, forced marriages, and promises of marriages are routine traditional practices that are implicitly covered by the Protocol, EDS-MICS 2012 indicates that 27% of women aged 25-49 at the time of marriage, were already in union before reaching the age of 15 and 60% were already in union before 18 years. Compared to EDS-2005, the median age at first union for women aged 25-49 increased from 16.2 years to 17 years in the 2012 survey. Section 286 of the Civil Code Recognizes the existence of this practice and provides that "promises of marriage or betrothal Do not make marriage compulsory. However, the abuse of the betrothal may give rise to reparation. "

The years 2013-2016 were marked by the epidemic of the Ebola Virus (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.

³ National institute of the Statistical of Guinea (INS) / MEASURE DHS - ICF International, Demographic Investigation and of Health and to Informers Multiples (ED MICS-IV) - GUINEA 2012 - November 2013

Post-Ebola reconstruction is initiated and represents an opportunity for the country to invest more and strengthen basic social services.

B. ANALYSIS OF THE REPORT OF THE STATE

II. GENERAL GUIDELINES

1. Process of preparation of the State Party report:

1. COLTE / CDE notes that the time and resources allocated to the state report have not allowed all the key actors in the implementation of the Protocol to be prepared internally for active participation but also to report of the result of their participation. Thus, several representatives of the key structures of the implementation of the protocol stated that they were not informed of the participation of their structure in the process of drawing up the State report.

2. The COLTE / CRC suggests that the State should be encouraged to improve the participation of key structures in the implementation of the Protocol in the preparation of the State report, in particular by supporting the dissemination of information on this participation within the State. Of the structures concerned. In particular, it must ensure that the representatives of these structures participate in the process of preparing the state report, inform or consult their collaborators before and during the process, and report back to their staff at the end of the process.

2. The general principles of the CRC in the implementation of the measures adopted pursuant to the Protocol.

3. The Civil Code contains certain discriminatory provisions, particularly with regard to natural, adulterous or incestuous children. However, these discriminations relate mainly to cases of inheritance and succession. In practice, no cases of discrimination based on these provisions have been recorded in the implementation of the Protocol. Moreover, in practice, several children with disabilities, albinos or twins, or even triplets, are often exposed in the streets and / or incited to begging on behalf of their parents or even third parties

Who take them with their parents and on the consent of the parents. In accordance with the provisions of article 287 of the Code of the Guinean Child, the child's exposure to begging and economic exploitation constitutes difficult situations threatening his or her health, development or physical or moral integrity.

4. Article 402 of the same Code punishes imprisonment for 3 months to 1 year and a fine of 50,000 to 200,000 Guinean francs, which incites or compels a child to begging. However, no concrete measures to eliminate (or reduce) the practice, to withdraw and reintegrate the victims and / or to prosecute the perpetrators has been registered by COLTE / CRC. It should be stressed, however, that the protection of these categories of children at risk falls within the remit of Juvenile Courts in Guinea, which must place them in

institutions and structures of reception. The State has an obligation to create and to promote these structures, in accordance with the combined provisions of articles 287, 301 of the Code of the Child, 747-760 of the Revised Code of Criminal Procedure (referred to in the Code of the Child under revision, all title XX of the said Code, See Article 1005 of the new Code of Criminal Procedure).

5. It is based on this anyway that the Decree D / 2016/368 / PRG / SGG, amending Decree D / 2016/114 / PRG / SGG of 20 April 2016, on the allocation and organization of the Ministry of The Justice of 30 November 2016, created the National Directorate of Supervised Education and Youth Protection.

6. The principle of the best interests of the child is recognized by Guinean law, in particular Article 2 of the Guinean Child Code. NGOs members of the COLTE / CDE have reported several cases where administrative and / or judicial decisions have been taken in the light of this principle. An example of the application of the principle of the best interests of the child was recorded from 2004 to 2008 with the "Sustainable Solutions" Committee, which brought together several organizations to determine the best interests of the child. Methods and tools advocated by the Office of the High Commissioner for Refugees (OHCR) and UNICEF. The committee, comprising UNICEF, UNHCR, the Ministry of Child Protection, International Rescue Committee (IRC), Sabou Guinea and the ICRC (as an observer), determined "durable solutions" for the reintegration of Unaccompanied children from Liberia and Sierra Leone whose family search did not succeed after several years.

7. Moreover, since 2015 this principle is often applied, at the level of the structures of the SYPEG of Koundara, for the care of children allegedly victims of trafficking and intercepted at the Guinea-Senegal border or returned from Senegal. Between 2009 and 2011, the SELECT (Stopping Child Labor and Exploitation through Education) project led by a consortium of international NGOs (Child Fund, Plan International Guinea, World Education and Sage Fox Group) had put in place welfare committees

which provided useful guidance for the educational guidance of child victims of work and exploitation. Furthermore, it is established as a result of the decisions of the Conakry Children's Court, in the context of the implementation of alternative measures to detention, that the best interests provisions are invoked in the reasons given by those courts. However, this principle is not systematically taken into account in all cases and COLTE / CRC is not aware of the existence of a viable and meaningful mechanism for the application of the principle of the best interests of the child in the implementation of the Protocol. Several officials in the administration and the judiciary are not sufficiently informed about this principle.

8. COLTE / CDE suggests recommendations to the State:

- taking concrete steps to (i) eliminate (or reduce) exploitation by begging of vulnerable children (disabled, twins, triplets, albinos, etc.), (ii) withdraw and reintegrate victims of such practices and / Or iii) prosecute the perpetrators of such practices,
- the provision of CPSYG structures (DCP, LCPC, CFLC and

CVPE), particularly in border areas, with tools and procedures / mechanisms for the determination of durable solutions for children,

- Effective inclusion of Customs, police and gendarmerie representatives in the structures of the SYPEG and the systematic training of staff assigned in border areas on the rights of the child.
- Training of administrative and judicial personnel involved in determining the best interests of the child on the procedures for its application.
- The involvement of child structures throughout the process of developing and validating the country report and taking into account their concerns.

3. How the measures taken to implement the Optional Protocol have contributed to the implementation of the CRC, in particular Articles 1, 11, 21, 32, 34, 35 and 36

9. COLTE / CRC confirms the existence of the provisions adopted for the implementation of the Optional Protocol in the application of Articles 1, 11, 21, 32, 34, 35 and 36 of the CRC, State. In particular, in the context of the implementation of the bilateral cooperation agreement between the Republic of Guinea and the Republic of Mali on the fight against trafficking in children of member organizations of COLTE / CRC, Of dozens of children at risk or trafficked between the two countries. NGOs members of COLTE / CRC report the existence of even more significant movements of children on the Guinea-Senegal and Guinea-Sierra Leone routes. Several articles in the online press confirm the existence of these movements. In spite of this, there is still no bilateral agreement between Guinea and Senegal and between Guinea and Sierra Leone on combating trafficking in children.

10. Several media outlets reported the arrest at the Conakry Gbessia International Airport of alleged perpetrators dealing with children between Guinea and some Arab states in Asia.

COLTE/CRC suggests recommendations to the State:

11. To initiate and develop bilateral agreements between Guinea and Senegal and between Guinea and Sierra Leone with a view to facilitating the establishment of mechanisms for the prevention and control of the movement of children between Guinea and these two countries Boundary.

Strengthen the fight against this phenomenon at the internal level by strengthening the capacities of the actors, in particular those of security and justice through training and equipment.

⁴<http://lexpressguinee.com/fichiers/videos5.php?langue=fr&idc=fr> Guinee Un reseau de trafic d enfants vers le Senegal deman; <http://www.guinee360.com/14/08/2016/guinee-plusieurs-enfants-partance-gambie-interceptes-a-koundara/>

⁵<http://guineenews.org/un-nouveau-reseau-de-presumes-trafiquants-detres-humains-demantele-a-conakry-un-imam-interpelle/>

4. Place of the Protocol in the domestic legal order and its applicability by all competent domestic courts

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

5. Reservations issued under the Protocol.

13. The Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, prostitution and child pornography was ratified by the Republic of Guinea without reservation.

6. Measures taken to implement the Protocol

14. The COLTE / CRC confirms the existence of the legislative and administrative measures mentioned in the State report. Although these measures constitute progress in the implementation of the Protocol,

- The provisions of the Children's Code on inter-country adoption do not sufficiently take into account the case of a Guinean child to be adopted by a person from another State. However, NGO Sabou Guinea, UNHCHR and the Conakry Children's Court, in the draft revised Child Code to fill this gap.
- The Guinean Committee for the Monitoring of the Rights of the Child, the National Committee to fight Trafficking Persons, the Division for the Promotion and Protection of Children in the Directorate of Judicial Investigations of the National Police Station and the Office of Protection of Gender, Children and Morals (OPROGCM) as well as child courts do not have sufficient budget and staff to enable them to function properly
- The Unit for the Promotion and Protection of the Rights of the Child in the Armed Forces is no longer functional.

7. Implementation of the Protocol with regard to the territory and persons of the State Party

15. The Optional Protocol to the United Nations Convention on the sale of children, child prostitution and child pornography is applicable throughout the country.

III. DATA

10. Data available on cases of sale of children.

16. Data on the sale of children may come from several sources, including justice, police and gendarmerie. However, the state report did not provide data from the gendarmerie and justice.

17. The COLTE / CRC suggests recommends that the State ensure that data on cases of sale of children are also collected at the level of the gendarmerie and the judiciary and are included in the official statistics on the implementation Of the Protocol.

11. Data on child prostitution.

18. The practice of child prostitution can be observed in several sites in Conakry, the main cities of the country and in mining sites such as Siguiri, Kamsar and Léro. The data on this practice are very partial and above all obsolete. Similarly, there are very few projects to combat child prostitution and child pornography.

19. COLTE/CRC suggests recommending to the State:

- conduct studies to measure the extent and trends of prostitution and child pornography;
- promote and support programs and projects to (i) identify, withdraw and reintegrate child victims and (ii) identify and prosecute pimps;
- set up a system for collecting data on child prostitution from all relevant police, gendarmerie and justice services;
- take steps, in collaboration with telephone operators, internet service providers and cyber cafes, the cyber security and anti-cybercrime brigade to prohibit children from accessing pornographic sites, certain establishments (in accordance with article 361 and the followings of the Code of the Child) and the use of children in pornographic scenes.

12. Production, importation, distribution or consumption of child pornography.

20. COLTE/CRC has no comments and no additional information to add to the state report.

IV. GENERAL MEASURES OF APPLICATION

13. Information on the provisions of the law and key institutions

21. The Criminal Law of 1998 mentioned in the State Report is no longer in force and has been replaced by another since 26 October 2016. However, all the provisions relating to implementation have been retained and made a few times more effective. For example, article 873 of the new Penal Code provides that child pornography referred to in articles 359 and the following of the Children's Code is punishable by imprisonment of 5 to 10 years and a fine of 50,000,000 to 100,000,000 Guinean francs, or one of these two sentences only, when committed by means of electronic communications or an information system. The quality of a minor constitutes an aggravating circumstance, trafficking of migrants. Article 339 of the new Penal Code then imposes penalties of imprisonment of 5 to 10 years and a fine of 10,000,000 to 50,000,000 Guinean francs or to one of these two penalties only. Article 13 of the new Penal Code now provides the opportunity for the Guinean judicial authorities to act

When trafficking in persons (including children) is committed abroad by a foreigner. However, the author can only be tried by the Guinean courts if he has been arrested on the national territory and has not been extradited. As for the Code of the Child, it is at the time of writing report under review.

22. The ratification of the Protocol by the National Assembly in 2001 was followed by a dissemination of the Protocol in Conakry and in the 7 administrative regions. However, since 2003, the dissemination of information on the provisions of the Protocol has become increasingly scarce and when it takes place; it is very punctual, very localized and, above all, focused mainly on trafficking and exploitation of children.

23. The GCMRC is the body responsible for monitoring the implementation of all legal instruments relating to the rights of the child to which Guinea is a party. However, other bodies are responsible for monitoring the implementation of certain provisions of the Protocol. This is the case of the National Committee to Fight Trafficking Persons (NCFTP) and the Inter-sectoral Committee on Inter-country Adoption (ICC).

24. COLTE / CRC remains concerned about several issues that have a negative impact on the implementation of the Protocol:

- the resources allocated to the GCMRC, the NCFTP and the IAC are generally insufficient,
- Coordination / collaboration between these structures is not sufficiently effective,
- Direct and indirect costs for birth registration are high for the majority of Guineans (with low incomes).
- The absence of a database on the right to protection of the child.

25. The overall strategies for eliminating the sale of children are the prevention, protection and prosecution of the practices covered by the Protocol. They are carried out by several structures and organizations, each with its strategic plan and action plans: National Directorate for Children, National Committee to Fight Human Trafficking, GCMRC, CEDAW Follow-up Committee, NGOs. These structures collaborate and collaborate sometimes in working groups and / or monitoring committees, but this is not enough to ensure effective coordination. Overall, NGOs contribute to the implementation of the protocol through:

- development of alternative reports on optional protocols to the CRC;
- the collection of basic information on the protection of children;
- capacity building of relevant professionals on national and international legal instruments for the protection of children's rights.

V. PREVENTION (article 9, paragraphs 1 and 2)

14. Bodies responsible for identifying children vulnerable to practices covered by the Protocol.

26. The identification of children vulnerable to the practices covered by the Protocol is generally ensured at the community level by NGOs and local structures of the child protection system in Guinea (CPSYG). OPROGCM and the Division of Child

Protection at the level of the Directorate of Investigations of the Judiciary (DIJ) of the National Gendarmerie also identifies vulnerable children during the inspection visits of certain sites such as docks and motels. Where appropriate, these two structures refer vulnerable children to an NGO or a CPYPYG structure.

27. The protection of children who are vulnerable to practices covered by the protocol is also one of the responsibilities of juvenile courts in accordance with the provisions of article 287 of the Children's Code. Unfortunately, there are no adequate structures in Guinea to better ensure this role, which is essential for prevention.

28. The regulatory and administrative measures taken by the State and the actions carried out in partnership with the NGOs mentioned in the State report have indeed contributed to the prevention of the practices covered by the Protocol. In addition to these measures, a reliable and accessible modern civil service is needed. It is in this context that the National Center for Civil Status has been set up as a National Directorate of the State and the birth registration campaigns are sometimes organized.

29. COLTE / CRC suggested recommendation to the State:

- Build, equip and operate shelters for vulnerable children in Conakry and in urban centers in the interior of the country.
- Strengthen birth registration campaigns, especially in rural areas

15. Any campaign or other measures taken to raise public awareness of the adverse consequences of the sale of children, child prostitution and child pornography.

30. To supplement the information provided in the State report with regard to the campaigns launched or other measures taken to raise public awareness of the adverse consequences of the sale of children, child prostitution and pornography Of children, it should be noted that the National Anti-Child Trafficking Committee, in partnership with the carriers' unions, organized awareness-raising sessions for motor carriers in October 2016.

The role played by non-governmental organizations, the media, the private sector, the community and children in the design and implementation of these advocacy measures.

31. COLTE / CDE notes, however, that the offenses covered by the Protocol are not sufficiently known by the key actors in its implementation and by the organizations defending and promoting the rights of the child. Prosecutions are not initiated by the public prosecutor's office and these are not yet specialized in Guinea. Thus, the recommendations arising from the observations of the UN Committee on the Rights of the Child during the examination of Guinea's latest periodic report on the CRC and relating to the specialization of prosecutors are not yet taken into account.

32. COLTE / CRC suggested recommending to the State to strengthen the dissemination, information and awareness campaigns on the content of this protocol throughout the country.

VI. PROHIBITION AND RELATED ISSUES (Articles 3, 4, paragraphs 2, 3, 5, 6, 3 and 7)

16. All existing criminal laws defining and governing the acts and activities enumerated in article 3, paragraph 1, of the Protocol

33. A revision of the codes and laws is undertaken in the justice sector. New versions of the Penal Code and the Code of Criminal Procedure have already entered into force and replace those mentioned in the State report. The Children's Code mentioned in the State Report is still being revised. Overall, all these revisions improve the conformity of the national law with the provisions of the protocol. In particular, the draft revision of the Children's Code provides for better consideration of aspects of the criminal responsibility of legal persons and a better consideration of cases of adoption of a Guinean child by a person residing in another state / country.

34. Furthermore, the COLTE / CDE has no additional information or comment to add to the content of the State report with regard to the information mentioned in point 17 to point 26 inclusively.

VII. PROTECTION OF THE RIGHTS OF VICTIMS (art. 8 and 9, par. 3 and 4)

35. The COLTE / CDE confirms information on the protection of the rights of victims of the practices covered by the Protocol, which are provided in the State's report, from point 27 to point 37 inclusive,

- the provisions of articles 392,393, 394, 395 and 396 of the Children's Code as well as articles 19 and 23 of the May 2010 Constitution.
- legal and psychological training for caregivers of child victims,
- the measures taken to help the child recover his or her identity,
- available remedies and procedures available to victims

36. A new Code of Criminal Procedure was promulgated on 26 October 2016. It regulates the reparations procedure for victims of crime in connection with the execution of judgments rendered by the ICC (articles 719 and the followings.); establishes, in each Court of First Instance, an Office for the Assistance of Victims of Crime (section 857); A procedure applicable to offenses of a sexual nature 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 crime.

37. The provision of adequate social reintegration and physical and psychological rehabilitation services is almost non-existent at the public sector level. It is provided globally by NGOs. In particular, there is no public reception or transit center.

38. Moreover, the land and maritime borders remain very porous and this weakens the whole system of protection of children against the practices aimed at by the Protocol.

39. COLTE / CRC suggests recommendations to the State:

- *Improve surveillance and border control (land, sea and air) by strengthening staffing and specialist training in child protection, as well as the resources of the personnel assigned to these tasks, while Protection of children at borders.*
- *Set up a framework for consultation between the security forces of neighboring countries for the development and implementation of common prevention actions and strategies.*
- *Support and develop the toll-free number (116) for early warnings.*
- *To set up a database regularly supplied by the State services and NGOs operating on the ground in this field.*
- *Establish public reception centers for victims and witnesses of crime, especially minors.*

VIII. INTERNATIONAL ASSISTANCE AND COOPERATION

40. The COLTE / CRC confirms information on assistance and international cooperation in the implementation of the Protocol provided in the State's report from item 38 to item 41 inclusive. In particular, progress has been made in the framework of police cooperation between the Guinean security services and those of a number of countries, notably Senegal (Ministry of Human Rights), Mali, Sierra Leone, Liberia, Remarkable support from INTERPOL. Examples of the missions carried out by OPROGEM with INTERPOL support were cited by interviewees as part of the preparation of this report.

41. COLTE / CRC encourages the State to develop this cooperation with all neighboring countries and other States, in accordance with the relevant provisions of Article 151 of our Constitution

IX. OTHER LEGISLATIVE PROVISIONS

42. COLTE / CDE has no additional information or comment to add to the data provided in paragraph

C. CONCLUSIONS AND RECOMMENDATIONS

I. SUMMARY OF MAJOR THEMES AND ISSUES OF CONCERN

The general principles of the CRC in the implementation of measures adopted under the Protocol.

43. The Civil Code contains certain discriminatory provisions, particularly with regard to natural, adulterous or incestuous children. Moreover, in practice, many disabled, albino or twin, or even tripled children are often exposed on the streets and / or incited to begging, despite several provisions of the law and the

Creation of the National Directorate of Education and judicial protection of youth, the protection of these categories of children remains a problem

44. The principle of the best interests of the child is recognized by Guinean law, in particular Article 2 of the Guinean Child Code. However, this principle is not systematically taken into account in all cases and COLTE / CRC is not aware of the existence of a viable and significant mechanism for the application of the principle of the best interests of the implementation of the Protocol. Several officials in the administration and the judiciary are not sufficiently informed about this principle.

How the measures taken to implement the Optional Protocol have contributed to the implementation of the CRC, in particular Articles 1, 11, 21, 32, 34, 35 and 36.

45. NGOs members of the COLTE / CDE report the existence of movements of important children on the Guinea-Senegal and Guinea-Sierra Leone routes. Despite this, there is still no bilateral agreement between Guinea and Senegal and Guinea and Sierra Leone on combating trafficking in children.

Measures taken to implement the Protocol

46. COLTE / CRC remains concerned that despite significant progress in the implementation of the Protocol: (i) the provisions of the Children's Code on inter-country adoption do not sufficiently take into account the case of a child To be adopted by a person from another State, (ii) the Guinean Committee for the Monitoring of the Rights of the Child, the National Committee to Combat Trafficking in Persons, the Division for the Promotion and Protection of Children in The Directorate of Judicial Investigations of the National Military Police Station and the Office for the Protection of Gender, Children and Morals (OPROGCM) as well as the juvenile courts do not have sufficient budget and staff to enable them to function properly, iii) The Unit for the Promotion and Protection of the Rights of the Child in the Armed Forces is no longer functional.

Data available on cases of sale of children.

47. Data on the sale of children are very partial. They are not systematically collected from all possible sources, including gendarmerie and justice.

Data on child prostitution.

48. The data on this practice are very partial and above all obsolete. There are very few projects to combat child prostitution and child pornography.

GENERAL MEASURES OF APPLICATION

Information on the provisions of the law and key institutions

49. Since 2003, the dissemination of information on the provisions of the Protocol has become increasingly scarce, and when it takes place, it is very punctual, much localized and mainly focused on trafficking and exploitation of children.

50. COLTE / CRC remains concerned about several issues that have a negative impact on the implementation of the Protocol, including: (i) the resources allocated to GCMRC, NCFTP and ICC are generally insufficient; (ii) Collaboration between these structures is not sufficiently effective, (iii) the direct and indirect costs necessary for birth registration remain high for the majority of Guineans (with low incomes), (iv) there is no centralization Data on the right to protection of the child.

PREVENTION (Article 9 (1) and (2))

Bodies responsible for identifying children who are vulnerable to practices covered by the Protocol.

51. Guinea does not have adequate child care facilities to better protect vulnerable children from the practices covered by the protocol.

52. Despite several relevant legislative and administrative measures, it is still necessary to set up a modern and reliable civil service that is accessible to all.

Campaign launched or other measures taken to raise public awareness of the adverse consequences of the sale of children, child prostitution and child pornography.

53. COLTE / CRC notes that, despite several awareness campaigns, the offenses covered by the Protocol are not sufficiently known by the key actors of its implementation and by the organizations defending and promoting the rights of the child. Prosecutions are not initiated by the public prosecutor's office and these are not yet specialized in Guinea. Thus, the recommendations of the UN Committee on the Rights of the Child's observations on Guinea's latest periodic report on the CRC and on the specialization of prosecutors' offices are not yet taken into account

PROTECTION OF THE RIGHTS OF VICTIMS (art. 8 and 9, par. 3 and 4)

54. The provision of adequate social reintegration and physical and psychological rehabilitation services is almost non-existent at the public sector level. It is provided globally by NGOs. In particular, there is no public reception or transit center.

55. Moreover, the land and maritime borders remain very porous and this weakens the whole system of protection of children against the practices covered by the Protocol.

II. SUMMARY OF RECOMMENDATIONS

56. COLTE/ CRC suggests recommendations to the State:

- Legislation in the context of the civil aspects of The Hague Convention on the international abduction of children.
- Take concrete steps to (i) eliminate (or reduce) exploitation by begging of vulnerable children (disabled, twins, triplets, albinos, etc.), (ii) Withdraw and reintegrate victims of such practices and / Or iii) prosecute the perpetrators of such practices,
- Strengthen the prevention, victim care and prosecution of perpetrators, particularly in border areas through:
 - provision of CPSYG structures (DCPC, LCPC, CFLC and CVPE) with tools and procedures / mechanisms for the determination of durable solutions for the child,
 - the effective inclusion of customs, police and gendarmerie representatives in the structures of the SYPEG,
 - Training of administrative and judicial personnel involved in determining the best interests of the child on the procedures for its application.
 - The involvement of child structures throughout the process of drawing up and validating the State's report and taking into account their concerns.
- To initiate and develop bilateral agreements between Guinea and neighboring countries, in particular Senegal and Sierra Leone, with a view to facilitating the establishment of mechanisms for the prevention and control of the movement of children.
- Ensure that data on cases of child sales are collected not only from the police but also from the gendarmerie and the judiciary and to carry out studies to measure the extent and trends of Prostitution and child pornography
- Promote and support programs and projects to (i) identify, remove and reintegrate child victims; and (ii) identify and prosecute pimps and make arrangements, in collaboration with telephone operators, Internet and cyber cafe, the cyber-security brigade and the fight against cybercrime to prohibit the access of children to pornographic sites and the use of children in pornographic scenes.
- Establish a database regularly maintained by state agencies and NGOs operating in the field.
- Establish public reception centers for victims and witnesses of crime, especially minors.
- Improve surveillance and border control (land, sea and air) by strengthening the staffing and specialized training in child protection, as well as the resources of the personnel assigned to these tasks while setting up structures Protection of children at borders.
- Establish a framework for dialogue between the security forces of neighboring countries for the development and implementation of joint prevention actions and strategies.
- Support and develop the toll-free number (116) for early warnings.