



Alternative report to the Committee on the Rights of the Child

On the implementation of the Convention on the Rights of the Child

Guinea

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Child Soldiers International
The Grayston Centre
Ground Floor
28 Charles Square
London UK
N1 6HT
E: info@child-soldiers.org

Contents

1. Introduction.....	3
2. Summary of basic information	3
3. General measures of implementation	4
Application of anti-terrorism legislation to children.....	4
4. Prevention	4
Military schools.....	4
6. Protection, Recovery and Reintegration	5
7. International assistance and cooperation	6

1. Introduction

Child Soldiers International submits the following alternative report in advance of the Committee on the Rights of the Child's ('the Committee') consideration of Guinea's combined third, fourth, fifth and sixth reports under the Convention on the Rights of the Child (CRC). The briefing note focuses on military schools; the application of anti-terrorism legislation to children and the release, recovery and reintegration of children formerly associated with armed forces and armed groups.

2. Summary of basic information¹

State armed forces

- Total size of state armed forces: 10,100
- Armed forces listed in 2017 by the UN for child recruitment and use: No
- Reports of state armed forces using children in hostilities: No
- Minimum conscription age: No conscription
- Minimum voluntary enlistment age: 18

Non-state armed groups

- Reports of non-state armed groups using children in hostilities: No

Ratification of treaties or endorsements of international standards related to child recruitment and use

- Optional Protocol on the involvement of children in armed conflict (OPAC):
Acceded 08/04/2016
- Convention on the Rights of the Child: Acceded 13/07/1990
- Paris Commitments and Principles: Endorsed 29/09/2009
- Rome Statute of the International Criminal Court: Ratified 14/07/2003
- The 1949 Geneva Convention IV and Additional Protocols I and II: Ratified
11/07/1984
- ILO Convention 182: Ratified 06/06/2003
- Safe Schools Declaration: No action taken

Relevant national laws and policies

- Is unlawful recruitment of children criminalised? Yes
- Is there legislation to restrict the transfer of arms and other forms of military assistance to states which use children in hostilities and/or support non-state

¹ This information is published in Child Soldiers International's World Index, an online database of laws, policies and practices related to the recruitment and use of children by state armed forces and non-state armed groups globally. For more information on the World Index and to review source documents, please visit: <https://childsoldiersworldindex.org/>

armed groups which use children in hostilities? Guinea is a State party to the Economic Community of West African States (ECOWAS) Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, and the Arms Trade Treaty.

- Do state armed forces have guidelines on how to approach child soldiers during deployment? No
- Is the use of children to participate in hostilities criminalised? Yes
- Has the state transferred arms in 2016 to states which use children in hostilities and/or support non-state armed groups which use children in hostilities? No

3. General measures of implementation

Application of anti-terrorism legislation to children

In recent years, “terrorist” and “violent extremist” groups such as Islamic State have recruited and used children on a large scale. In response, states have detained child victims of unlawful recruitment as national security threats, leading to further violations of their rights. The terms “terrorism” and “violent extremism” lack internationally agreed definitions, leaving them open to a degree of subjective interpretation. National laws provide varying and often vague, overbroad or no definitions of terrorist offenses, and may not explicitly state whether they apply to children.

Questions

- Under anti-terrorism legislation applicable in the State party, what criminal offences are created that may be applicable to children?
- Under anti-terrorism legislation applicable in the State party, are specific limits placed on the sentencing of people who were children at the time an offence was committed?
- Does anti-terrorism legislation applicable in the State party create exceptions to or otherwise conflict with juvenile justice legislation?
- Does anti-terrorism legislation applicable in the State party permit the pre-trial detention of children? If so, what limits are placed on the use of this detention?
- Does anti-terrorism legislation applicable in the State party permit administrative detention of children?

4. Prevention

Military schools

The State party’s initial report under OPAC notes that, while the State party does not operate schools under the authority of the Ministry of Defence providing military training to children, every year a number of primary-school graduates aged 12 to 13 are sent to

military schools in neighboring Mali, Côte d'Ivoire, Senegal and Niger.² The Committee has previously recommended that the State party:

“...ensure that Guinean children are only placed in military schools of neighbouring countries with curricula and disciplinary rules that are compliant with the provisions of the Optional Protocol.”³

Questions

- What is the minimum age for enrolment into military schools in neighbouring countries?
- Are children enrolled in military schools in neighbouring countries categorised as military personnel under military legislation or other statute and/or can they be mobilised in case of national emergency?
- Are children in military schools in neighbouring countries subject to military law?
- Do children in military schools in neighbouring countries have a legal liability to enter military service in the state party upon graduation?
- Are children in military schools in neighbouring countries permitted to leave the institution at will, and/or is their initial enrolment at the institution conducted on a purely voluntary basis?
- Do the schools' curricula comply with the detailed requirements for children's education laid out in General Comment No.1 on 'The aims of education', and CRC articles 28 and 29, including education on human rights and humanitarian principles, and the prohibition of degrading punishments?
- Do students in military schools in neighbouring countries who are under the age of 18 years receive weapons training?

6. Protection, Recovery and Reintegration

In its concluding observations on the State party's second report under the CRC, the Committee urged the State party to:

“take all necessary measures to ensure respect of the minimum age of compulsory and voluntary recruitment fixed at 18 years according to international standards and that child and youth combatants are released and adequately assisted to ensure their psychosocial and professional reintegration.”⁴

² Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 8(1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, UN Doc. CRC/C/OPAC/GIN/1, Para 51, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGIN%2f1&Lang=en

³ Committee on the Rights of the Child, Concluding observations on the report submitted by Guinea under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, UN Doc. CRC/C/OPAC/GIN/CO/1, Para 20, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fGIN%2fCO%2f1&Lang=en

⁴ Committee on the Rights of the Child, Concluding observations on the second periodic report of Guinea, adopted by the Committee at its sixty-second session (14 January–1 February 2013), UN Doc. CRC/C/GIN/CO/2,

However, the State party's combined third, fourth, fifth and sixth reports under the CRC states that no developments have been recorded on this issue.⁵

Recommendations

- Ensure that all individuals previously recruited as children into militias known as “Young Volunteers,” operating under the Ministry of Defence to participate in counter-attacks against Liberia between 2000 and 2001⁶ receive age and gender-appropriate recovery and reintegration assistance;

7. International assistance and cooperation

Recommendations

The State party should

- Endorse the Safe Schools Declaration.⁷
- Endorse the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers.⁸

Para 78, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGIN%2fCO%2f2&Lang=en

⁵ Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, combined third, fourth, fifth and sixth reports of Guinea, UN Doc. CRC/C/GIN/3-6, para 84, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGIN%2f3-6&Lang=en

⁶ Op Cit. UN Doc. CRC/C/GIN/CO/2, paras 77-78.

⁷ “The Safe Schools Declaration ... provides states the opportunity to express broad political support for the protection and continuation of education in armed conflict, and is the instrument for states to endorse and commit to implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.” Global Coalition to protect Education from Attack, Safe Schools Declaration Endorsements, available at: <http://www.protectingeducation.org/guidelines/support>

⁸ “[t]he Vancouver Principles include political commitments by Member States to enhance the training, planning, and conduct of their own forces as they relate to the recruitment and use of child soldiers.” Prime Minister of Canada, Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, 15 November 2017, available at: <https://pm.gc.ca/eng/news/2017/11/15/vancouver-principles-peacekeeping-and-prevention-recruitment-and-use-child-soldiers>