



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

List of issues prior to submission of the second periodic report of Guinea*

Section I

A. General information

1. Please provide information on new constitutional provisions or changes to the domestic legal framework in relation to the Convention, in particular with regard to:

(a) The measures taken by the State Party to bring its legislation into line with the Convention, including information on the status of the new Labour Code, on possible reforms to Act No. L/94/019/CTRN of 13 June 1994 on the Conditions of Entry and Residence for Foreign Nationals in Guinea, articles 40, 64, 51, 60, 70 and 73 in particular,¹ and on the status of the implementing decrees to give full effect to Act No. L/2018/050/AN of 20 June 2018 on the Right of Asylum;

(b) The nature and scope of bilateral and multilateral agreements concluded with other countries concerning the rights of migrant workers and members of their families under the Convention, specifying how these agreements protect migrant workers' rights in transit and destination countries, especially with respect to detention, repatriation or expulsion, family reunification and social security.

2. Please provide information, including supporting statistics, on the implementation of the National Migration Policy adopted in 2021 and on the progress made in respect of the national mechanism for consultation on migration, established in 2023 to create a global, coordinated system for improved migration management.

3. Please provide information on the measures taken by the State Party to establish a coherent, robust and comprehensive system for the collection of disaggregated data on labour migration, including the measures taken to make such data publicly available, and on progress towards a national census that will enable a survey of the State Party's migrant population.

4. Please provide updated information on the governmental body responsible for coordinating the implementation of the Convention as well as on the national coordinating bodies in relevant fields, including the National Committee to Combat Trafficking in Persons and Related Practices and the National Agency for Emergency and Humanitarian Disaster Management. Please also provide information on the steps taken to improve coordination at all levels of government, including in rural and border areas, and on the human, financial and

* Adopted by the Committee at its fortieth session (7–17 April 2025).

¹ CMW/C/GIN/CO/1, paras. 20–22 and 24. See also CRC/C/GIN/CO/3-6, para. 41 (b).



technical resources allocated to the relevant bodies for promoting, protecting and fulfilling the rights of migrant workers and members of their families.

5. Please provide information on the steps taken to:

- (a) Make the declarations provided for in articles 76 and 77 of the Convention;²
- (b) Ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), the ILO Occupational Safety and Health Convention, 1981 (No. 155), the ILO Violence and Harassment Convention, 2019 (No. 190), and the Protocol of 2014 to the ILO Forced Labour Convention, 1930 (No. 29);
- (c) Implement the ILO Domestic Workers Convention, 2011 (No. 189), which the State Party has ratified;
- (d) Reform the National Human Rights Commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to strengthen its independence, give it a broad mandate to promote and protect the rights of migrant workers and members of their families, including a complaints mechanism and a mandate to visit detention centres and other migrant reception facilities, and ensure that it has the financial, human and technical resources to do that work effectively.

6. Please provide information on:

- (a) Training programmes on the Convention organized by the State Party for officials working in migration-related fields, including law enforcement and border control officers, prosecutors and judges, employment and social services authorities, particularly in border regions, and public awareness programmes;³
- (b) Training for officials responsible for providing legal and consular services to Guinean nationals abroad, in particular on the prohibition of discrimination, abuses and exploitation in the workplace, including discrimination, abuses and exploitation on the basis of gender, arrests, pretrial detention, immigration detention, expulsion and repatriation;
- (c) Measures taken to involve civil society organizations in the implementation of the Convention and the preparation of the State Party's periodic reports and replies to the present list of issues.

7. Please indicate whether the State Party has any private employment agencies that recruit migrant workers for employment abroad and provide information on the laws, rules and regulations relating to private recruitment, in particular on the procedures for issuing and renewing the licences of such employment agencies, the complaints that have been lodged against employment agencies, whether formal or informal, any inspections that have been carried out and the penalties and sanctions that have been imposed for non-compliance with the law, as well as the measures taken by the State Party, the General Labour Inspectorate in particular, to strengthen the mechanisms for regulating and monitoring private employment agencies.

B. Information relating to the articles of the Convention

1. General principles

8. Please indicate whether the provisions of the Convention have been directly applied by government officials. Please provide information on and examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

² CMW/C/GIN/CO/1, para. 10.

³ Ibid., para. 16.

(a) The number of cases and proceedings brought in the past five years by migrant workers or members of their families, including those in an irregular situation, and the outcome of these cases or proceedings;

(b) Outreach campaigns organized to inform migrant workers and members of their families, including those in an irregular situation, of the judicial and other remedies available to them in the event of a violation of their rights under the Convention;

(c) The legal aid, if any, provided to migrant workers living in Guinea and to Guinean migrant workers living abroad.

9. Please provide information, including supporting statistics and specific examples, on how the State Party has managed the coronavirus disease (COVID-19) pandemic and its impact on the development, adaptation and implementation of national pandemic prevention and management plans with a view to protecting the rights of migrant workers and members of their families, taking into account the joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants produced by the Committee and the Special Rapporteur on the human rights of migrants.⁴ Please indicate, in particular, the measures taken to:

(a) Ensure access to health services, including COVID-19 vaccines, without discrimination and regardless of nationality or migration status;

(b) Prevent the spread of the disease and maintain the desired level of health protection in workplaces;

(c) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains.

2. Part II of the Convention

Article 7

10. Please indicate whether national legislation ensures that all migrant workers and members of their families enjoy the rights recognized in the Convention, without distinction of any kind, and whether such legislation covers all the grounds of discrimination prohibited under articles 1 (1) and 7 of the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic status, property, marital status and birth or other status. Please provide information on all effective practical measures taken by the State Party to ensure that non-discrimination, the protection of labour rights and gender equality prevail, in law and in practice, in all matters relating to migration policy. Please describe the measures taken to address the heightened vulnerability of migrant women to gender-based violence, including sexual violence and in border areas.

3. Part III of the Convention

Articles 8–15

11. Please provide information on the cases of exploitation, including sexual exploitation, and domestic servitude of migrant workers and members of their families, in regular situations or not, in particular in the mining (including gold mining), domestic work and prostitution sectors, that have been identified in the State Party. Please describe the measures that have been taken to prevent and combat these phenomena.

12. In the light of reports received by the Committee of high rates of child labour,⁵ in particular trafficking of children for economic exploitation, including street children⁶ and migrant children exploited for sexual purposes and in artisanal gold and diamond mines, notably in Siguiiri Prefecture, please provide information on the measures taken by the State

⁴ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Special Rapporteur on the human rights of migrants, “Joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants”, 26 May 2020.

⁵ E/C.12/GIN/CO/1, paras. 29 and 30. See also CRC/C/OPAC/GIN/CO/1, para. 16.

⁶ CRC/C/GIN/CO/3-6, paras. 43 and 44.

Party to ensure that the rights of migrant children, including those who are separated, unaccompanied, in an irregular situation or in transit through the State Party, are respected and that these children are protected from all forms of exploitation.⁷ Please indicate what measures the State Party has taken or is planning to protect children from the worst forms of child labour, including as part of efforts to implement the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and strengthen the law enforcement and judicial complex and the General Labour Inspectorate.⁸

13. Please indicate the number of migrants, broken down by age, sex, nationality and/or place of origin, currently detained for violating migration legislation, specifying the place, average length and conditions of detention, including whether such migrants are separated from ordinary detainees and whether women are separated from men. Please also indicate whether the detention of migrants in an irregular situation is an exceptional measure taken as a last resort⁹ and whether alternatives to detention are available to children and their families as well as to unaccompanied children.¹⁰

14. Please provide information on the exceptional circumstances in which the authorities can legally terminate the residence of any foreign national, even if that person has entered and resided legally in Guinea, and on the criteria for declaring foreigners undesirable, in accordance with article 64 of Act No. L/94/019/CTRN.¹¹ Please indicate whether the State Party intends to amend article 40 of the Act with a view to giving migrant workers in an irregular situation sufficient time to contest decisions in which they are ordered to leave the country. Please also indicate how many migrants have faced expulsion proceedings.¹²

Articles 16 and 23

15. Please provide information on access by Guinean migrant workers residing abroad to consular assistance and protection from the State Party, including in the event of detention or expulsion. Please explain whether the consular network provides the necessary assistance to those in host or transit countries who are deprived of their liberty or facing expulsion and whether steps are taken to ensure that the consular or diplomatic authorities of States of origin, or of a State representing the interests of those States, are systematically notified of the detention in the State Party of one of their nationals.¹³

16. Please provide information on border management measures, in particular procedures applicable to migrant workers and asylum-seekers who reach the borders of the State Party, including with respect to reception facilities, and on how the State Party processes applications for protection to ensure that it acts in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion.

Articles 25–30

17. Please provide information on:

(a) Legal and labour protection and enforcement mechanisms to ensure that migrant workers, including women, enjoy treatment not less favourable than that enjoyed by nationals in respect of remuneration and conditions of work; all the measures that have been taken, in particular by the General Labour Inspectorate, to monitor working conditions, especially in the informal sector; and all the measures taken to ensure that migrant workers are not deprived of any rights derived from this principle as a result of any irregularity in their stay or employment;

(b) The measures put in place to guarantee the right to birth registration, a name and access to nationality for children born to Guinean migrant workers abroad, irrespective of the migration status of their parents, and to ensure that they are provided with personal

⁷ Ibid, para. 42, and [CRC/C/OPSC/GIN/CO/1](#), para. 21 (a).

⁸ [E/C.12/GIN/CO/1](#), para. 17.

⁹ [CMW/C/GIN/CO/1](#), para. 22.

¹⁰ [CRC/C/GIN/CO/3-6](#), paras. 41 (c), 45 and 46.

¹¹ [CMW/C/GIN/CO/1](#), para. 22.

¹² Ibid., para. 24.

¹³ Ibid., para. 26.

identity documents, as well as the measures taken to guarantee the registration of children born to foreign migrant workers in the State Party.

18. Please explain whether articles 311.6 and 322.4 of the Labour Code of 2014, under which migrant workers are required to have resided in the State Party for three years to perform leadership functions in a trade union or employers' organization, are still in force or whether they have been amended as recommended by the Committee in its previous concluding observations.¹⁴

19. Please provide information on the existence of bilateral and multilateral social security agreements that make it possible to ensure the social protection and the portability of the social rights of migrant workers and members of their families. Please also provide information, based on disaggregated statistics, on access, in law and in practice, by migrant workers and members of their families, regardless of their migration status, to:

(a) Emergency medical care that is necessary to save their lives or avoid irreparable harm to their health, on the basis of equal treatment with nationals of the State Party, while describing the outreach campaigns organized to inform them of their rights;

(b) Maternity and family benefits.

4. Part IV of the Convention

20. Please clarify the scope of article 51 of Act No. L/94/019/CTRN, under which the right to freedom of movement within the territory of the State Party is restricted.¹⁵

21. Please provide information on the opportunities for Guinean nationals living abroad to exercise their political rights and to take part in the public affairs of the State Party and on the rate at which they turn out in presidential and legislative elections. Please describe in detail the awareness-raising campaigns organized for this purpose.¹⁶

22. Please indicate whether migrant workers can, when they leave the State Party, continue receiving the social benefits and allowances for which they have made contributions and whether there is a procedure for the transfer of such remittances.¹⁷ In particular, please provide information on the measures that have been taken in follow-up to the recommendation of the ILO Committee of Experts on the Application of Conventions and Recommendations to amend the Social Security Code with a view to ensuring that social benefits and allowances are received even in the absence of bilateral and multilateral agreements.

23. Please provide information on partnerships set up with financial institutions to facilitate the sending of remittances to the State Party by Guinean migrant workers living abroad, as well as on the measures that have been taken to lower the cost of sending and receiving money and make savings more accessible to migrant workers and members of their families.¹⁸

24. Please indicate what measures have been taken to ensure that migrant workers in the State Party do not lose their residence permit simply because their remunerated work ceases before the expiration of their work or other similar permit.¹⁹

5. Part VI of the Convention

25. Please provide information on the impact of the measures taken by the State Party to inform and familiarize prospective migrants of the dangers associated with irregular immigration routes; please also provide information, including statistics, on the steps taken

¹⁴ Ibid., para. 28.

¹⁵ Ibid., para. 36.

¹⁶ Ibid., para. 38.

¹⁷ Ibid., para. 40.

¹⁸ Ibid., para. 42.

¹⁹ Ibid., para. 44.

by the State Party to inform prospective Guinean migrants of the entry and residence requirements in countries of destination.²⁰

26. Please provide statistical information on Guinean nationals, including unaccompanied and separated children, who have migrated to the Americas and by sea to the Canary Islands in recent years, as well as on any measures that have been taken to protect their rights. Please also provide information on Guinean nationals who have died or disappeared along these routes and on the measures taken to assist the families of victims. Please include information on mechanisms for cooperation with other West African States, Spain, the European Union and the countries of the Americas to prevent these tragedies and strengthen search and rescue efforts and efforts to identify the deceased.

27. Please describe the measures that the State Party has taken to step up its efforts to conclude bilateral and multilateral agreements with countries of destination and transit with a view to promoting regular migration, ensuring sound, equitable and humane conditions for Guinean migrant workers living abroad, guaranteeing the portability of their social rights and providing them with procedural guarantees, including guarantees of protection from ill-treatment for expelled migrants.²¹

28. Please provide information on the geographical distribution of the consular and diplomatic networks and on the steps they take to protect the rights of Guinean migrant workers and members of their families. Please describe in detail the resources that have been allocated to the State Party's consular or diplomatic authorities to enable them to fulfil their mission and to provide the required information and appropriate assistance to Guinean migrant workers and members of their families living abroad, including those in an irregular situation, in particular concerning the issuance of identity documents, authorizations, the required formalities and other necessary arrangements for their departure, journey, arrival, income-generating activities, exit and return, as well as working and living conditions in the State of employment and customs, monetary, fiscal and other laws and regulations.²²

29. Please describe the measures that have been taken to facilitate the return to the State Party and durable reintegration of Guinean migrant workers and members of their families, in accordance with article 67 of the Convention, paying particular attention to the situation of older persons.²³

30. Please provide data broken down by sex, age and origin on victims of human smuggling and trafficking in persons and information on training and campaigns to prevent the smuggling and trafficking of migrant workers, including for law enforcement officials, border guards, judges, prosecutors, labour inspectors, teachers, as well as health service personnel and the State Party's embassies and consulates. Please also provide information on the number, duration and outcome, in particular in terms of convictions of traffickers and smugglers, of the investigations that have been conducted. In addition, please provide information on the measures that have been taken to protect victims²⁴ and on international, regional and bilateral agreements containing specific provisions to combat human smuggling and trafficking in persons,²⁵ especially women and children forced into domestic servitude and prostitution networks in other countries.²⁶

31. Please provide information on the measures taken to act on the State Party's statements, made in 2014, during the constructive dialogue with the Committee, concerning the regularization of the situation of migrant workers in an irregular situation.²⁷

²⁰ Ibid., para. 34.

²¹ Ibid., para. 46.

²² Ibid., para. 48.

²³ Ibid., para. 50.

²⁴ E/C.12/GIN/CO/1, para. 36.

²⁵ CMW/C/GIN/CO/1, paras. 54 and 56.

²⁶ CCPR/C/GIN/CO/3, para. 39.

²⁷ CMW/C/GIN/CO/1, para. 58.

Section II

32. The Committee invites the State Party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their respective implementing regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, programmes and action plans covering migration and their scope and financing;
- (d) Recently ratified human rights and other relevant instruments;
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

Section III

Data, official estimates, statistics and other information

33. Please provide, if available, disaggregated and updated statistical data and qualitative information for the last five years, unless indicated otherwise, on the following:

- (a) The volume and nature of migratory movements to, from and through the State Party, broken down by sex, age, nationality, field of activity and migration status, specifying in the case of minors whether they are unaccompanied minors, as well as information on returns and circular migration and, in the absence of statistical data on migrants in an irregular situation, studies or estimates;
- (b) Migrant workers in detention in the State Party and migrant workers who are nationals of the State Party and are detained abroad in States of employment, noting whether such detention is immigration-related and providing information on the place and average duration of detention, the type of procedure and the reasons for and conditions of detention;
- (c) Migrant workers and members of their families who have been expelled from the State Party;
- (d) Remittances received from nationals of the State Party working abroad, broken down by host country;
- (e) The estimated number of Guinean migrants who have disappeared or died, in particular crossing borders, including in the Sahara, specifying the conditions in which these disappearances and deaths occurred.

34. Please provide any additional information on any important developments or measures to implement the Convention relating to protection of the rights of migrant workers and members of their families that the State Party considers a priority.

35. Please submit a common core document in line with the harmonized guidelines on reporting.²⁸ In accordance with paragraph 16 of General Assembly resolution 68/268, the common core document should not exceed 42,400 words.

²⁸ [HRI/GEN/2/Rev.6](#).