



## Ratification Kit

# Guinea

### **Why is it important for Guinea to ratify the United Nations Protocol to abolish the death penalty?**

Guinea is abolitionist for all crimes since **2016**, as its new Penal Code came into force. The new Penal Code does not include the death penalty as a punishment allowed by the law. Prior to the abolition in law, Guinea was already abolitionist in practice, as the last known executions that took place in the country traced back to 2001.

Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights is extremely important, both nationally and locally, because it is the only text with worldwide reach aiming to abolish the death penalty.

Ratifying the Protocol is a very symbolic act, reflecting the universal trend towards abolition of capital punishment, considered

to be cruel, inhuman, or degrading treatment. **It is essential that the world's abolitionist countries ratify this Protocol.**

### **What are the international commitments already taken by Guinea to ratify the Protocol?**

Guinea demonstrated its commitment as regards the abolition of the death penalty by co-sponsoring and voting in favor of the **2016 United Nations General Assembly Resolution** for a moratorium on the use of the death penalty. **This was the first time Guinea voted in favor of the resolution**, demonstrating the will of the country to accompany the worldwide trend towards the abolition of the death penalty. However, in **2018** Guinea abstained in the vote on the moratorium on the death penalty of the United Nations.

Guinea participated in the second cycle of the **Universal Periodic Review** in **2015** and noted the recommendations to ratify the Second Optional Protocol to the ICCPR. The country participated once again in the Universal Periodic Review in **2020** and now has to share its conclusions regarding the recommendations to ratify the Protocol. The **Human Rights Council** would inevitably commend Guinea if it ratified the Protocol.

In its Concluding Observations in **2014**, the **Committee Against Torture** recommended Guinea to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

In its Concluding Observations in **2018**, the **Human Rights Committee** also recommended Guinea to accede to the Second Optional Protocol to ICCPR.

### **What are the steps to be taken as regards internal law?**

According to Article 7.2 of the Protocol, it “is subject to ratification by any State that has ratified the Covenant or acceded to it.” **Guinea ratified the International Covenant on Civil and Political Rights in 1978** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Guinea following ratification of the Protocol are the **prohibition of executions and withdrawal of the death penalty from internal criminal law**. These two obligations **have already been fulfilled** by Guinea, which abolished the death penalty in

its Penal Code. It may therefore now **unreservedly** ratify the Protocol.

The President can negotiate and international treaties in accordance with Article 149 of the Constitution.

The instrument of ratification must then be deposited with the UN Secretary General (Article 7.2 of the Protocol).

### **What are the legal obstacles to ratification?**

There is **no legal obstacle** as the death penalty has been abolished in the new Penal Code of Guinea.

We therefore encourage Guinea to ratify this Protocol as soon as possible.

### **How can ratification of the Protocol be implemented?**

The Protocol shall come into force three months after the instruments of ratification have been deposited with the UN Secretary General (Article 8.2 of the Protocol).

According to Article 3 of the Protocol, Guinea must submit reports to the Human Rights Committee covering the measures it has adopted to give effect to the Protocol.

The World Coalition Against the Death Penalty also encourages Guinea to support the adoption of an **African Protocol** on the abolition of the death penalty.

*For more information, contact the World Coalition Against the Death Penalty and visit its website: <http://www.worldcoalition.org/protocol>*