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Draft report of the Working Group on the Universal Periodic Review*

Guinea

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its eighth session from 3 to 14 May 2010. The review of Guinea was held at the 3rd meeting, on 4 May 2010. The delegation of Guinea was headed by the State Minister in charge of Foreign Affairs, African Integration and Francophonie, Bakary Fofana. At its 7th meeting, held on 6 May 2010, the Working Group adopted the report on Guinea.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Guinea: Bosnia and Herzegovina, Ghana and Japan.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Guinea:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/8/GIN/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GIN/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GIN/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Latvia, the Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Guinea through the troika. Those questions are available on the extranet of the universal period review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation of Guinea stated that the participation of Guinea in the universal periodic review exercise demonstrated the commitment of the Transitional Authority to human rights and their universal value as the basic tool for political and social reforms undertaken since the signing of the Ouagadougou Agreement on 15 January 2010.
6. In conformity with the directives of the Human Rights Council, the national report was drafted following a methodology emphasizing a consultative and participatory approach. To that end, the Prime Minister set up an inter-ministerial committee with the task of drafting the national report, on 11 September 2009. For three days, it worked in close collaboration with non-governmental organizations working in the human rights field.
7. The issue of human rights has always been and remains one of the main concerns of the various constitutional Governments that have come to power since the independence of Guinea in 1958. Each constitution has reaffirmed Guinea's attachment to the Charter of the United Nations, the Universal Declaration of Human Rights and regional instruments on human rights. Fundamental rights set forth in those constitutions have led to the formulation of legislative texts and regulations for the protection of human rights and for the punishment of perpetrators of human rights violations.

8. However, a lack of political will has affected the implementation of national and international legislation on human rights. That deficiency has led to serious and massive human rights violations by successive Governments. Denunciations and complaints, linked to political instability and lack of security, have resulted in massive uprisings and general disputes. In December 2008, in circumstances in which the State was incapable of carrying out its functions, the National Council for Democracy and Development took power through a coup d'état, raising high hopes for change. Unfortunately, disagreements on issues related to good governance have affected the new course. Human rights violations, which commenced in June 2006, have continued up to September 2009.

9. The signature of the Ouagadougou Agreements created favourable conditions for a return to peace and the prevention of social tensions throughout the country. The Transitional Authority, an outcome of the Ouagadougou Agreements, is committed to the holding of free, fair and transparent elections. As a first step, it began a review of basic laws, the electoral code and other legislation, such as the civil code, which will form the institutional regulatory framework for ensuring that human rights are respected individually and collectively.

10. The delegation pointed out that the blossoming of associations, unions and non-governmental organizations marked an important stage in the history of Guinea, a process that ultimately led to the establishment of the National Human Rights Directorate and the Guinean Observatory for Human Rights. Simultaneously, the development of a very active network of associations with a great deal of autonomy has helped to lend new impetus to the promotion and protection of human rights. Hundreds of associations have become indispensable and responsible partners of the public authority and have seen their fields of action broadened.

11. The delegation noted that the Constitution and the Criminal Code enshrine the sacred nature of human life and human beings. As a consequence, law prohibits all attacks against life and physical integrity. Nevertheless, Guinean law has maintained the death penalty for the most serious crimes. Although courts mete out such sentences, the Government has been observing a de facto moratorium since 2002. Additionally, various measures have been undertaken to effectively combat all forms of violence, such as female genital mutilation and sexual violence.

12. Repression through the abuse of authority, especially by law enforcement officials, has been rarely undertaken. In that regard, the Transitional Authority is committed to ending impunity, which has been the cause of complaints that have recently been a source of great concern in the country. The Constitution and various legislative texts make freedom and fundamental rights top priorities of the legal system. The transitional body, under the leadership of General Sékouba Konate, has undertaken an institutional reform designed to consolidate the State's capacity to prevent and punish human rights violations. A better-controlled executive power, a strengthened parliament and an independent judiciary are the main components of the process of institutional reform. Reinforcing the rule of law is a long process, fraught with obstacles and challenges, that the Government should address with the help of the international community and through harmonious work by political parties.

13. Poverty and illiteracy are major obstacles to the exercise and enjoyment of human rights, such as access to potable water, electricity, sufficient and good-quality food, health, adequate housing and education. Therefore, the introduction of human rights and humanitarian law in the curriculums of universities and vocational schools, especially those for law enforcement officials and armed forces, should be provided for in the Constitution as a governmental responsibility. All forms of the abuse of women and children, including traditional practices, should be progressively eliminated through awareness-raising and information programmes for the population.

14. Slow and complex legal proceedings affecting the credibility of courts and tribunals are another concern that the Constitution and new laws will tackle. Guaranteeing access to rights and to the judicial institutions -- making the citizen closer to the legal system -- is part of the reform efforts of the Transitional Authority. Other commitments undertaken by the Transitional Authority include combating arbitrary arrest, prolonged illegal detention and abuse against freedom of speech, and ensuring the right to assemble and demonstrate, press freedom and the right to freely choose one's representatives.

15. The delegation added that the universal period review, as a mechanism for international cooperation, combines a process of self-evaluation with an assessment by peers with a view to reinforcing State institutional capacities. In that connection, the review will assist the Government in continuing the renaissance begun through the Ouagadougou Agreements. Lack of respect for human rights had become a system of government and was the cause of much suffering among the Guinean people. Transition bodies are composed of men and women of goodwill who themselves have been the victims of human rights violations. Nonetheless, the cooperation and assistance of the international community are needed, and the first step in that regard is the opening of an OHCHR office in Conakry.

16. Replying to advance questions, the delegation stated that freedom of opinion and expression, freedom of reunion and association, freedom of public gathering and freedom of the press have constitutional value in the Guinea legal system and are protected by the law and by State institutions.

17. The Criminal Code, the Electoral Code and the law on political parties will be reinforced by new institutions for the protection of human rights, resulting from the constitutional reform, in addition to the Independent National Commission on Elections.

18. Regarding the right to life and physical integrity, extrajudicial executions, the excessive use of force, and other forms of violence, including sexual violence, a pool of judges is, as a result of the events on 28 September 2009, currently conducting an inquiry in order to ascertain the gravity of human rights violations, their perpetrators and the degree of personal responsibility, to gather evidence and to bring before appropriate courts those responsible for massacres. This work follows the reports of the United Nations Commission of Inquiry and the National Commission of Inquiry.

19. The opening of an OHCHR office in Conakry will resolve all questions related to the issuance of a standing invitation to all special procedures mandate holders.

20. With regard to the ratification of international instruments, the Government has entrusted an interministerial commission with the task of studying the possibility of adhering to optional protocols.

21. The delegation stated that the financial law envisages a limited amount of resources for improving the living conditions of detainees. However, the largest portion of the budget of the Ministry of Justice is devoted to such expenditure. In addition, a number of non-governmental organizations are monitoring the availability of food and hygiene as well as health conditions in prisons and other detention centres. The judge for the execution of sentences determines detention modalities for each convicted person, including release on parole and alternative sentences.

22. The strategy for the elimination of harmful traditional practices and stereotypes is based on the application of repressive laws, on the one hand, and on the implementation of awareness and education mechanisms and programmes regarding issues such as early marriage and female genital mutilation, on the other. Perpetrators of female genital mutilation can be sentenced to life imprisonment or even death.

23. The Transitional Authority has undertaken constitutional reforms designed to reinforce legislative tools and regulations aimed at ensuring respect for human rights on the

part of defence and security forces. No exceptional situation can justify human rights violations. The military justice code and the establishment of a military tribunal will contribute to the Government's efforts in this field.

24. The establishment of the National Directorate for Human Rights and the opening of an OHCHR Conakry office will resolve the difficulties related to the late submission of periodic reports to treaty bodies.

25. The reform of the judiciary is one of the Government's priorities. Among other measures, the Guinean Observatory for Human Rights, created by the Prime Minister, is acting on the basis of the Paris Principles. The Government plans to make the Observatory a fully independent constitutional institution.

26. Several legislative initiatives, including the ratification of a number of ad hoc international instruments and transnational cooperation, have been undertaken with respect to child trafficking and forced labour.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 36 delegations made statements. A number of delegations expressed appreciation for Guinea's national report and for the comprehensive presentation made by the Guinean delegation. They acknowledged the difficulties faced by Guinea in a period of transition, and welcomed efforts for the establishment of lasting peace and democracy. Recommendations made during the dialogue are found in section II of the present report.

28. Norway acknowledged that Guinea was in transition and noted the recent positive developments towards free elections and civilian rule. It acknowledged efforts to investigate the events of 28 September 2009. It was concerned about the situation of women. It believed that civil society organizations played an important part in fostering a culture of human rights and that their active participation was essential to a meaningful universal period review process. Norway made recommendations.

29. Brazil welcomed policies aimed at improvements in women's health and progress in HIV/AIDS treatment, notably the reduction in the cost of medicine. Brazil noted with satisfaction the transitional Government's efforts to re-establish democracy and its cooperation with regional and international organizations. It hoped that the next elections would represent a step towards peace and stability. It welcomed the adoption of resolution 13/21 of the Council. It appealed to the international community to aid Guinea's efforts. It made recommendations.

30. While admitting that poverty, illiteracy and the lack of human and financial resources hampering Guinea's progress in the promotion and protection of human rights, Indonesia stated that the report attested to Guinea's clear political will to tackle those shortcomings. It was encouraged to note genuine efforts to meet international obligations by gradually establishing a human rights framework and by educating judges, lawyers, public servants and army and police officers about human rights. Indonesia made a recommendation.

31. Germany appreciated Guinea's cooperation in adopting its resolution at the thirteenth session of the Human Rights Council and its decision to cooperate with OHCHR with a view to opening a country office. It noted that, while the national report stated that freedom of association and assembly was a constitutional principle, the OHCHR compilation expressed concerns regarding the closing of newspapers in 2008 and allegations of torture in the context of a general strike in 2007. Germany asked about

measures to prevent violations of the right to freedom of opinion and expression and freedom of association and assembly. It made recommendations.

32. India appreciated Guinea's efforts to empower rural women and to address trafficking and female genital mutilation. It noted that, owing to the steady deterioration in its economy over the previous decade, poverty remained the main obstacle to the protection of human rights. It encouraged Guinea to establish an independent national human rights institution in full compliance with the Paris Principles and to consider ratifying the Optional Protocols to the Convention on the Rights of the Child.

33. Pakistan highlighted the fact that more than 1,300 non-governmental organizations were licensed in Guinea and that the country had acceded to all core human rights instruments. It noted the challenges faced by Guinea in the fields of social development, politics, the economy, education and health. It mentioned the Ouagadougou Agreement of January 2010 as an excellent opportunity to become a democratic nation and accelerate development. Pakistan welcomed the establishment of the Observatory for Democracy and Human Rights and the National Directorate for Human Rights and Fundamental Freedoms. It noted that Guinea needed financial and technical assistance in its efforts to promote and protect human rights. It made recommendations.

34. France made reference to the military junta period, during which the human rights situation had deteriorated, and the period following the 2010 Ouagadougou Declaration, during which the authorities had demonstrated their interest in cooperating with the international community. The commitment to human rights had been demonstrated through the agreement for the establishment of an OHCHR country office and the adoption of a resolution by the Human Rights Council in March 2010. France made recommendations.

35. Hungary wished to acknowledge Guinea's support for the Human Rights Council resolution on the strengthening of technical cooperation and consultation services. Hungary also wished to recall that the Security Council, in its presidential statement of 28 October 2009, had reaffirmed the need for national authorities to fight impunity and bring perpetrators to justice. With respect to violence against women, it echoed the appeal made in 2007 by the Committee on the Elimination of Discrimination against Women. Hungary made recommendations.

36. Belarus noted that the report outlined problems facing Guinea as it sought to overcome its political and social crisis and the measures undertaken to ensure respect for political, civil, social and cultural rights. It asked about Guinea's priorities in seeking to overcome the crisis, programmes for improving the health of women and children, and ways in which Guinea was seeking international support. It noted that Guinea intended to ensure education for all. It made recommendations.

37. Slovenia welcomed the fact that Guinea had ratified many of the core human rights instruments and the Rome Statute of the International Criminal Court; however, it noted that many reports to treaty bodies were overdue. It asked if there was any plan to submit those reports. With regard to the massacre of unarmed civilians on 28 September 2009 in Conakry, it asked about concrete measures to hold accountable the persons responsible for those crimes. It also noted the concern of the Committee on the Elimination of Discrimination against Women at the prevalence of violence against women and girls, while it highlighted its commitment to the abolition of the death penalty. Slovenia made recommendations.

38. The delegation of Guinea emphasized the fact that the draft version of a new constitution provided for the establishment of an independent national human rights institution. The Constitutional Court would also monitor the separation of powers among the executive, the parliamentary assembly and the judiciary.

39. Regarding the events of 28 September 2009, the delegation stated that the Deputy Prosecutor of the International Criminal Court had visited Conakry and toured the country in the aftermath of the massacres. The Court had decided that crimes committed during that period could be defined as crimes against humanity and had given the Guinean authorities six months to initiate legal procedures for the determination of facts and cases.

40. The death penalty has been part of the Criminal Code since Guinea's independence in 1958. A de facto moratorium was declared in 2002, and debates on the total abolition of death penalty – in particular on how the issue should be approached by society at large -- resurfaced in 2009.

41. The delegation also referred to the creation of a favourable context for the holding of the elections in June 2010. The deployment of observers from international organizations and the establishment of a national independent council would play a crucial role in monitoring the fairness of the electoral process. With regard to freedom of the press, the establishment of a new body -- the High Authority on Communications -- with a substantive mandate would help to eliminate negative effects and attitudes against media freedom. Finally, security and defence forces would be restructured under the supervision of the United Nations.

42. Spain highlighted Guinea's commitment to and cooperation with the Commission of Inquiry established by the Secretary-General to investigate the events of September 2009. It welcomed Guinea's decision to sign a country-office agreement with OHCHR. Noting that Guinea had subscribed to a number of international human rights instruments, Spain emphasized that further efforts to implement obligations undertaken would be appropriate. It highlighted the fact that the death penalty was not applied to minors. It made recommendations.

43. Switzerland welcomed the appointment of the transitional Government and urged it to make every effort to return to democratic standards, towards which the upcoming elections constituted a key stage. Switzerland made reference to impunity, the harassment of journalists and freedom of expression. It made recommendations.

44. China commended Guinea for its efforts to prevent and treat diseases, improve health care and increase school enrolment and agricultural activities so as to realize the right to food, health and education. It noted the difficulties and challenges faced by Guinea as a developing country. It called on the international community to continue to provide the necessary resources and technical support. It made recommendations.

45. Chad noted with satisfaction that Guinea was a party to various international and regional human rights instruments and wished Guinea a full political recovery following the events of 28 September 2009. Chad made recommendations.

46. The United Kingdom of Great Britain and Northern Ireland welcomed the progress made by the transitional Government towards a return to civilian democracy through the elections to be held on 27 June 2010. However, it remained concerned about the serious human rights violations that had occurred in Conakry on 28 September 2009. It stated that those responsible must be held to account, and it welcomed the statement of the International Criminal Court that it would investigate if Guinea's authorities did not. It encouraged Guinea to support the establishment of an OHCHR office and urged it to submit outstanding reports to the Human Rights Committee. It made recommendations.

47. Mexico recognized and encouraged Guinea's cooperation with OHCHR, which had strengthened its institutional framework. It highlighted Guinea's efforts in welcoming refugees. Mexico was aware of the challenges faces by Guinea, particularly in the context of political instability. It urged the implementation of the Joint Declaration of Ouagadougou of 15 January 2010 in order to make the transition towards democracy and rule of law,

particularly through the elections set for June, which should be in accordance with the International Covenant on Civil and Political Rights. It made recommendations.

48. Canada was pleased to see improvement with regard to the attention provided to human rights in Guinea, to which the open and collaborative spirit of the new President had contributed. However, it noted that human rights challenges and limited resources required a focus on priority sectors. A return to constitutional order and the rule of law was a prerequisite. Canada expressed concerns at the culture of impunity, notably the events of September 2009, which required a reform of the judicial system. Canada congratulated Guinea on its collaboration with OHCHR and the opening of an office in the country. Canada made recommendations.

49. Malaysia appreciated the fact that Guinea recognized its challenges and constraints in improving social development and protecting human rights. It noted that, given the commitment, the efforts and engagement undertaken by Guinea with the international community, the country would be able to make progress in terms of the social, economic and political well-being of its people. It made recommendations.

50. Israel regretted the human rights violations occurring in Guinea, including those related to the military coup on 23 December 2008 and the bloody incidents at the Conakry stadium on 28 September 2009. It fully supported the activities of the International Contact Group in Guinea to monitor the conduct of free and fair elections. It highlighted the country's readiness to work with the international community and committed itself to assisting in the country's progress, specifically in empowering women and combating poverty, as well as in the fields of health, agriculture and education. Israel made recommendations.

51. The Netherlands highlighted Guinea's cooperation with the Commission of Inquiry following the events of September 2009, its cooperation with the Human Rights Council on resolution 13/21, and its decision to work with OHCHR in opening a country office. It noted Guinea's fragile human rights situation. It reiterated concerns about violence against women and girls, including sexual violence. It was alarmed by the high incidence of female genital mutilation and the impunity of its perpetrators. It welcomed the Law on Reproductive Health, prohibiting all forms of female genital mutilation. It expressed concern that Guinea was a country of origin, transit and destination for human trafficking. It made recommendations.

52. Argentina thanked Guinea for its national report and made recommendations.

53. Belgium condemned the massacre of September 2009, which had resulted in 150 deaths, hundreds cases of torture and other cruel, inhuman and degrading treatment, the rape of at least 100 women, and other forms of sexual violence. Belgium welcomed Guinea's constructive attitude regarding the adoption of the Human Rights Council resolution. Belgium noted with regret that, despite the fact that there had been no execution since 2002, death sentences were still being passed and might be applied. Belgium made recommendations.

54. Slovakia welcomed Guinea's adoption of a Child Code in 2008. There were, however, areas of concern, such as the excessive use of force by armed security forces to dispel the demonstration of September 2009, which had caused loss of life, a high number of injuries, sexual abuse and the large-scale destruction of property; and the conditions in prisons and detention centres, especially the lack of the necessary infrastructure, which had resulted in overcrowding, malnutrition and inadequate health care that was far below international standards. Slovakia made recommendations.

55. Sweden reiterated its condemnation of the violent crackdown by security forces on the political demonstrations of 28 September 2009, noting that the violence that had

occurred during those events, including sexual attacks on women, had been unacceptable. It asked about measures to ensure the right to life, physical integrity, and equal enjoyment of human rights by women, as well as measures to combat ethnic discrimination. It noted that the postponement of presidential elections since the military coup of 2008 had denied the Guinean people their right to participate in government. It noted that persons expressing their views or seeking to participate in the political process had been abused, detained and killed. It asked about measures taken to restore democracy and constitutional order. It made recommendations.

56. Japan was concerned about the deterioration of the human rights situation in Guinea following the coup last September, while it welcomed developments that had occurred since the Ouagadougou Agreement of 15 January 2010. It noted that the presidential election scheduled for 27 June was an important step in consolidating democracy. It highlighted its concern over the fact that discrimination against women remained in the country's culture and customs. Japan made a recommendation.

57. The Republic of Korea hoped that Guinea would heed the views and recommendations offered at the present universal periodic review session so as to deliver improvements in its human rights situation. It welcomed initiatives to empower rural women and improve women's health through the establishment of relevant institutions and through budgetary increases. It noted improvement in the net enrolment ratio in primary and secondary schools. While Guinea faced challenges at the political, economic and social levels, it noted that these should not affect the commitment to human rights. It made recommendations.

58. The United States of America welcomed the signing in January of the Ouagadougou Agreement and the establishment in February of a transitional Government. It remained concerned about human rights violations committed by the security forces, such as killings, sexual assaults, arbitrary detention and torture, which had ensued from the country's political and social crises. It stated that the end of the military regime presented an opportunity for democratic progress, but that undisciplined security forces not subject to civilian control could derail this transition. It made recommendations.

59. The delegation of Guinea stated that there would be no duplication of roles or functions between the National Human Rights Directorate and the national human rights commission envisaged in the draft constitution. The first body would be responsible for the Government's statutory obligations vis-à-vis the United Nations and the treaty bodies system, while the second body would draw the attention of the Constitutional Court to new laws possibly infringing constitutionality and would ensure the protection of human rights defenders. The President had concluded the first reading of the draft constitution and was evaluating whether there was a need for a second reading. Among other innovations, the Law on Media would decriminalize press offences, and all electoral lists should include at least 30 per cent women candidates in order to be considered valid.

60. The delegation noted the existence of a five-year national programme against female genital mutilation, as well as repressive measures. Life imprisonment and the death penalty, which were included in the Criminal Code with regard to violence against women and children, would be envisaged for the most serious cases.

61. Bulgaria welcomed Guinea's ratification of several of the principal United Nations human rights treaties, including the International Covenant on Civil and Political Rights. It noted that the national report stated that the right of citizens to freely choose their leaders in regular elections had been enshrined in all constitutional texts, but it expressed concern at recent political developments. It asked how Guinea would ensure a return to constitutional order, guarantee the right to freely elect representatives, and implement its pledge to hold elections, in light of the Ouagadougou Agreement of 15 January 2010. It noted that

adequate national and international monitoring of the polls should be ensured and that steps should be taken to uphold the right to freedom of expression and assembly. It made recommendations.

62. Latvia noted that the Special Rapporteur on extrajudicial, summary or arbitrary execution had made a request to visit Guinea three years ago, but that the visit, although agreed upon in principle, had not yet taken place. It wished to touch upon the issue of standing invitations to special procedures, which it had addressed in the form of a written question before the present universal periodic review session. Latvia made a recommendation.

63. Ukraine noted efforts by Guinea to ensure human rights by acceding to international human rights instruments. It noted the lack of periodic reports submitted to treaty bodies, as well as the lack of responses to the letters of allegations, urgent appeals and questionnaires regarding thematic issues. While it welcomed Guinea's establishment of a monitoring and surveillance system for child labour, it shared concerns raised by civil society at the number of children carrying out dangerous work in gold and diamond mines and the thousands of girls working as domestic labourers in slavery-like conditions. Ukraine made recommendations.

64. Morocco noted the commitment of the transitional Government to human rights. It welcomed the signing of the Ouagadougou Agreement and commended the parties involved in the transition process. Morocco welcomed the efforts of the International Contact Group on Guinea, of which Morocco was an active part. Morocco expressed appreciation for the commitment of the President ad interim to successfully conclude the transition and hold the presidential elections. Morocco noted Guinea's decision to host an OHCHR office. Morocco welcomed efforts to combat impunity, to reform the judicial and security sectors and to combat drug trafficking, and called on the international community to assist Guinea in this transition. Morocco made recommendations.

65. Senegal highlighted the challenges faced by Guinea and appreciated the initiatives taken to meet them. Senegal requested that the Working Group take into consideration the fragile situation in the country and the ongoing efforts to ameliorate it. Senegal made recommendations.

66. Niger saluted the efforts made by the authorities of the transitional Government to submit its report on time and the participatory approach used in that regard, which had demonstrated the desire of the Authority to involve all stakeholders. Niger called on the international community to assist Guinea in its constitutional and institutional normalization and national reconciliation. Niger made recommendations.

67. Costa Rica recognized Guinea's efforts following the events of last year and in preparing for the electoral process and the transition to democracy and the rule of law. Costa Rica urged that the reform of the judicial system be a priority in the transition, with a view to providing genuine access to justice and reparation. Costa Rica welcomed Guinea's interest in human rights education. It highlighted the fact that Guinea must strengthen its collaboration with special procedures and consider the possibility of a standing invitation. It invited Guinea to include in its agenda with donor countries the recommendations of the universal periodic review so that they may be used as tools in strengthening democracy and the rule of law. It made recommendations.

68. Côte d'Ivoire noted that Guinea had been facing a serious socio-political crisis in recent years and welcomed the 2010 Ouagadougou Agreement, a decisive step towards a long-lasting peace. Côte d'Ivoire called on the international community to assist Guinea. It referred to the challenges mentioned in the national report, including poverty, bad governance and the persistence of traditional practices. Côte d'Ivoire noted the efforts

undertaken and urged Guinea to pursue institutional reforms in order to improve the implementation of human rights. Côte d'Ivoire made recommendations.

69. Ghana recalled that Guinea was a least developed country with a high poverty rate and noted that it had drawn up special protection measures for vulnerable groups, in addition to making both primary and secondary education available to all, free of charge. Ghana noted Guinea's acknowledgement of weaknesses such as a dysfunctional judicial system and impunity, and noted its efforts to restore the rule of law. Ghana made recommendations.

70. The delegation of Guinea reaffirmed the importance that the Government attached to three priorities to be addressed with the assistance of the international community: the fight against impunity, the reform of the judiciary and the reform of the security and defence services. The delegation thanked the members of the Working Group for the frank and sincere debate, which would help Guinea to deepen its awareness of the human rights dimension of all fields of governance.

II. Conclusions and/or recommendations

71. The recommendations formulated during the interactive dialogue and listed below have been examined by Guinea and enjoy its support:

71.1. Ratify the optional protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil);

71.2. Advance significantly in the submission of overdue reports to different Treaty Bodies, as well as sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the two Optional Protocols to the Convention on the Rights of the Child; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain);

71.3. Sign and ratify the Optional Protocol to the Convention Against Torture (United Kingdom);

71.4. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to establishing a national preventive mechanism (Costa Rica);

71.5. Make every effort to uphold its clear obligations under international and African human rights treaties to respect the right to life and freedoms of expression and assembly (Republic of Korea);

71.6. Take effective measures to ensure protecting children's rights in conformity with its international obligations (Ukraine);

71.7. Integrate the various treaties to which Guinea is party into its domestic law, and become a party to other international human rights instruments for the well-being of the Guinean people (Chad);

71.8. Consider establishing a national human rights institution in accordance with the Paris Principles (Pakistan);

- 71.9. Consider establishing an independent national human rights institution in conformity with the Paris Principles (Malaysia);
- 71.10. Establish a national human rights institution in accordance with Paris Principles (Niger);
- 71.11. Noting that there currently are two national human rights institutions, avoid duplication; assign clear and well- defined competencies in accordance with the Paris Principles; and elaborate a National Human Rights Plan that integrates all spheres of public administration (Spain);
- 71.12. Study the possibility of developing and adopting in the near future a national action plan on the rights of the child (Belarus);
- 71.13. Develop strategies to address human rights violations stemming from its political and social instability (United States);
- 71.14. Pursue with resolution the positive efforts aimed at restoring a normal constitutional life by emphasizing the democratic foundation and respect for human rights (Niger);
- 71.15. In cooperation with OHCHR, strengthen the education of public order forces and the army with regard to their obligation to respect human rights and international humanitarian law, as well as to fulfil the United Nations basic principles on the use of force and firearms by law enforcement officials (Mexico);
- 71.16. Ensure its security personnel undergo due human rights and humanitarian law training programmes to prevent extrajudicial killings, use of torture and other ill treatment (Slovakia);
- 71.17. Strengthen education and training in human rights, in particular in the judiciary and in the security forces and military (Costa Rica);
- 71.18. Continue human rights sensitization campaigns promoting human rights education and training (Senegal);
- 71.19. Commit itself to reinforcing civilian control of the military and civilian security forces, and develop training programmes focused on ensuring respect for the rule of law and human rights (United States);
- 71.20. Undertake a complete reform of the security sector, including the armed forces, as well as training aimed at preventing human rights violations (Canada);
- 71.21. Intensify efforts to improve the existing situation in prisons and detention centres (Slovakia);
- 71.22. Cooperate fully with the United Nations High Commissioner for Human Rights in accordance with resolution 13/14 of the Human Rights Council, and significantly improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports; and consider the need for external assistance to that end (Norway);
- 71.23. With the support of international institutions, submit the various pending initial and periodic reports (Niger);
- 71.24. Improve further its cooperation with all United Nations human rights mechanisms, submitting its overdue reports to treaty bodies, as well as its response to communications of the special procedures (Slovakia);

- 71.25. Strengthen its cooperation with the Human Rights Council special procedures and treaty bodies in order to improve the performance by Guinea of its international obligations (Ukraine);
- 71.26. Work in close cooperation with the OHCHR in order to establish an OHCHR office within Guinea as quickly as possible (United States);
- 71.27. Implement measures to address stereotypes regarding the roles and responsibilities of men and women in society (Norway);
- 71.28. Take measures to change laws that discriminate against women (Norway);
- 71.29. Improve the critical situation for women by taking measures including the elimination of forced and early marriage and female genital mutilation, as well as by increasing the representation of women in the political decision-making process (Japan);
- 71.30. Follow up on the recommendations of the Committee on the Elimination of Discrimination against Women on redoubling national efforts in favour of gender equality, in particular through education and awareness-raising campaigns; the investigation and punishment of violations of the rights of women and girls, in particular sexual violence; and the rehabilitation and compensation of victims (Mexico);
- 71.31. Continue to combat discrimination and violence against women, notably through the prevention of certain abusive socio-cultural practices, through the revision of discriminatory provisions in the Civil Code and the development of legislation against domestic violence (Brazil) ;
- 71.32. Further improve the protection of women and girls against violence and discrimination (Germany) ;
- 71.33. Take measures towards ensuring the equal and full enjoyment of human rights of women and to combat ethnic discrimination (Sweden);
- 71.34. Take effective measures to uphold the right to life and the total prohibition of torture in Guinea (Sweden);
- 71.35. Take all appropriate steps to abrogate excessive use of force and extrajudicial killings by armed forces, police and security forces, by combating the impunity of perpetrators having committed such acts, in accordance with international standards of fair trial (Israel);
- 71.36. Provide the families concerned with all available and relevant information on the cases of persons who have disappeared (Hungary);
- 71.37. Take necessary steps to intensify the judicial prosecution of all cases of alleged torture and violence committed by members of the armed forces (Germany);
- 71.38. Ensure that the security forces comply with international human rights law to ensure no extrajudicial executions, torture, ill treatment, rape and other grave human rights violations (United Kingdom);
- 71.39. Consider without delay enacting legislation to address domestic violence, including marital rape (Hungary);
- 71.40. Enact without delay national legislation on domestic violence and marital rape and all forms of sexual abuse, and ensure equal rights for women, in law and in practice, in the areas of land ownership, inheritance, marriage

and the protection of women and children, as recommended by the Committee on the Elimination of Discrimination against Women (Israel);

71.41. Adopt measures to prevent, punish and eliminate all forms of violence against women, including intra- and extramarital rape, domestic violence and degrading treatment (Argentina);

71.42. Enact without delay legislation on domestic violence, including marital rape and all forms of sexual abuse, and strengthen its awareness-raising and educational efforts to address the health consequences of female genital mutilation and provide medical support to those affected by it (Slovenia);

71.43. Raise awareness about the Law on Reproductive Health and strengthen education efforts in this area, ensure that perpetrators of female genital mutilation are prosecuted, address the health consequences of female genital mutilation and provide medical support to victims (Netherlands);

71.44. Make sure that the rules which establish the scope of action of the law and order forces prevent acts of violence against women (Belgium);

71.45. Undertake more effective measures to address the problems of impunity and violence against women and girls, including through the strengthening of law enforcement and the judicial system and intensive media and education programmes aimed at increasing public awareness and sensitivities on the rights of women (Malaysia);

71.46. Pursue the fight against the impunity of the perpetrators of sexual violence against women and young girls (Senegal);

71.47. Publicly denounce gender-based violence and ensure the effective prosecution of those responsible for such violence, including members of the armed forces and security forces (Netherlands);

71.48. Strengthen its efforts to effectively enforce the criminalization of female genital mutilation, as well as the implementation of a national plan of action against female genital mutilation (Norway);

71.49. Continue its efforts to combat the trafficking of women and children in law and in practice, and take adequate measures to combat the phenomenon by providing comprehensive information and data on trafficking in women and girls, as recommended by the Committee on the Elimination of Discrimination against Women (Israel);

71.50. Take more adequate measures to prevent trafficking and strengthen the economic situation of women so as to reduce their vulnerability to exploitation and trafficking (Netherlands);

71.51. Punish and prevent trafficking in children for the purpose of forced labour (Argentina);

71.52. Pursue with determination the implementation of its reforms of the judicial and security sectors (Morocco);

71.53. Undertake effective restructuring of the judicial system, armed forces, police and other security forces, with the aim of strengthening the protection of human rights in law enforcement (Ghana);

71.54. Carry out a security sector reform and a reform of the judicial system guaranteeing the independence of the judiciary (France);

- 71.55. **Build up, in cooperation with relevant United Nations bodies, an efficient and independent judiciary (Germany);**
- 71.56. **Put a special emphasis on respecting the principle of the separation of powers, and stop any interference by members of the executive or legislative branches with the operation of the judiciary (Hungary);**
- 71.57. **Take immediate measures to ensure the autonomy of the judiciary vis-à-vis the executive (Canada);**
- 71.58. **Undertake an ambitious reform of the judicial system, which should be conducted in line with all applicable international standards, notably the principle of the separation of powers, and which should be endowed with the necessary resources for its implementation (Switzerland);**
- 71.59. **In accordance with the compromise expressed by the Minister, carry out a process of revision of the justice system, in order to ensure, in legislation as well as in practice, its full independence, the elimination of impunity and due diligence in the conduct of investigations, especially those regarding human rights violations (Mexico);**
- 71.60. **Allow for the full independence and effective functioning of the judiciary to ensure fundamental rights and freedoms for all persons such as, inter alia, the freedom of expression or opinion, association, and peaceful assembly, particularly in the context of future electoral processes (Israel);**
- 71.61. **Take all measures necessary to restore an independent judiciary, as well as to prosecute and sanction, in line with international standards, armed forces and security staff members who are guilty of grave crimes and human rights violations (Belgium);**
- 71.62. **Allocate an appropriate amount of funds to the courts and provide adequate human and material resources to enable the judiciary to properly perform its functions (Hungary);**
- 71.63. **Draft a national reconciliation and pardon strategy by setting up an efficient mechanism to fight against impunity (Niger);**
- 71.64. **Enhance victims' access to legal redress, and establish special measures for the protection of victims, including the provision of shelters and legal, medical and psychological support (Hungary);**
- 71.65. **Fight impunity (Germany);**
- 71.66. **Take effective and concrete steps to ensure that those responsible for the events of 28 September 2009 are held accountable (Norway);**
- 71.67. **Take all measures necessary to combat impunity and bring to justice those responsible for or involved in serious human rights violations, and in particular acts of sexual violence against women and girls (Republic of Korea);**
- 71.68. **Bring to justice all alleged perpetrators of extrajudicial executions, acts of torture, ill treatment, rape and other grave human rights violations; ensure that victims of these violations benefit from full reparation and that families of those who died receive adequate compensation; and reinforce the protection of vulnerable groups, particularly women (Switzerland);**
- 71.69. **Take effective action to end impunity and to investigate and bring to justice anyone suspected of having committed offences under international law or other human rights abuses (Ghana);**

- 71.70. Ensure that the victims of human rights violations and their families can obtain reparation (Ghana);
- 71.71. Give clear instructions to the security forces to always act in compliance with international human rights law, to bring to justice anyone suspected of having committed extrajudicial killings, excessive use of force, torture, rape and other grave human rights violations, and to cooperate with the United Nations Commission of Inquiry (Sweden);
- 71.72. Investigate all human rights violations committed by security forces in 2009, and establish reparation mechanisms for victims (France);
- 71.73. Adopt a transparent, independent and impartial mechanism to ensure justice for the victims of the events of 28 September [2009], including the prosecution of those responsible for gross human rights violations, in line with international standards (Canada);
- 71.74. Ensure due investigation of all allegations of human rights violations following the events [of September 2009] and prosecute the perpetrators in accordance with international standards (Slovakia);
- 71.75. Noting the possible crimes against humanity, including sexual violence against women and girls, committed during the events starting on 28 September 2009, and recognizing that Guinea has ratified the Rome Statute of the International Criminal Court, bring to justice those responsible for those violations and combat impunity for those events (Costa Rica);
- 71.76. Implement, as soon as possible, the recommendations of the international commission of inquiry concerning the events of 28 September 2009 (Brazil);
- 71.77. Bring those State agents who have committed human rights violations, particularly those named in the United Nations Commission of Inquiry report, to justice (United Kingdom);
- 71.78. Continue to cooperate with the International Criminal Court in order to shed light on the events of September 2009 and to prosecute those who are guilty (France);
- 71.79. Collaborate in a constructive manner with the International Criminal Court and the Office of the United Nations High Commissioner for Human Rights, which will soon be established in the country (Belgium);
- 71.80. Ensure the safety of journalists and a free, independent media, including in the run-up to the elections (United Kingdom);
- 71.81. In preparing for the elections, take concrete measures to ensure that the rights of freedom of opinion, expression and assembly are respected by everybody, including the security forces (Norway);
- 71.82. Ensure respect for the right to freedom of expression and assembly, notably during the electoral campaign (Switzerland);
- 71.83. Take all measures to ensure that free and fair elections are held as scheduled on 27 June and 18 July this year, guaranteeing all persons' right to participate in the Government of their country (Sweden);
- 71.84. Ensure the full enjoyment of civil and political rights with a view to the elections scheduled for June 2010, and adopt the measures necessary to

prosecute and punish those responsible for the violent events of 28 September 2009 (Argentina);

71.85. Take all measures necessary to ensure that the forthcoming elections are peaceful, free and fair, while fully guaranteeing the right to take part in the conduct of public affairs and the right to vote (Republic of Korea);

71.86. Organize and hold free, democratic and transparent parliamentary and presidential elections (Bulgaria);

71.87. Take the measures necessary to make sure that the upcoming presidential and legislative elections present all guarantees of freedom, regularity and transparency, and, to this end, notably accept the presence of international observers (France);

71.88. Ensure that the upcoming elections are democratic, transparent and fair in order to allow for a definitive return by Guinea to the democratic international and regional arena, in line with the Ouagadougou Agreement of 15 January 2010 (Niger);

71.89. Fully support the national electoral commission's efforts to ensure transparency and prevent irregularities in the electoral process (United States);

71.90. Respect the elections timeline and take the measures necessary to ensure that the first ballot of the presidential elections takes place, as scheduled, on 27 June 2010 (Canada);

71.91. Implement the Ouagadougou Agreement in full, and hold fair elections by end June 2010 (United Kingdom);

71.92. Continue to adhere to the stipulations of the Ouagadougou Agreement and to its commitment to support and start elections on 27 June 2010 (United States);

71.93. Continue to attach importance to promoting agricultural production and to strengthening international cooperation so as to reduce hunger and poverty and guarantee people's daily necessities (China);

71.94. Improve access of women to reproductive health and related services, in particular in the case of women living in rural areas, as well as adopt measures to banish the practice of female genital mutilation (Argentina);

71.95. Continue the efforts in providing free education and health care and combating female genital mutilation and HIV/AIDS (Indonesia);

71.96. Take all measures necessary to increase State financing for education (Belarus);

71.97. Ensure that girls and women have equal access to education at all levels, and ensure the retention of girls in school (Norway);

71.98. Establish an effective and inclusive process to follow up on recommendations of the universal periodic review (Norway);

71.99. Identify the needs in terms of assistance and capacity-building in areas deemed priority (Senegal);

71.100. Guinea be provided all possible technical and financial assistance it needs by the international community as well as the OHCHR (Pakistan);

71.101. **To the international community: assist Guinea technically and financially in meeting the various challenges it faces in the field of human rights (Chad);**

71.102. **Engage the international community and international organizations in capacity-building support and technical assistance, particularly in the areas of economic and human resources development and poverty reduction (Malaysia);**

71.103. **Engage partners at the national, regional and international levels in efforts aimed at building capacity for Government personnel in the field of human rights, particularly judicial and law enforcement personnel (Malaysia);**

71.104. **Seek technical and financial assistance from all friendly States and relevant international agencies to assist its efforts in fighting against drug trafficking (Morocco);**

71.105. **Seek support from the international community, and particularly from United Nations institutions and programmes, in order to establish capacity-building and technical assistance programmes, notably in the areas pertaining to human rights training; child labour; women's rights, particularly female genital mutilation; security, in particular the reinforcement of the army and the judiciary; support for families and communities to help them in fighting against the effects of poverty and HIV/AIDS; education; and juvenile justice (Côte d'Ivoire).**

72. **The following recommendations will be examined by Guinea, which will provide responses to be included in the outcome report adopted by the Human Rights Council at its fifteenth session, in September 2010:**

72.1. **Accede to and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (Slovenia);**

72.2. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

72.3. **Adhere to human rights conventions to which Guinea is not yet a party (Niger);**

72.4. **Issue a standing invitation to special procedures of the United Nations human rights system (Brazil);**

72.5. **Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);**

72.6. **Immediately establish a moratorium on executions with a view to definitely abolishing death penalty and to adhering to the second Optional Protocol to the International Covenant on Civil and Political Rights (France);**

72.7. **Reconsider its position and abolish the death penalty, if necessary by initially establishing a moratorium on executions (Slovenia);**

72.8. **Turn the de facto moratorium existing since 2002 into a de jure moratorium with a view to the definitive abolition of the death penalty for all cases, including serious crimes; commute the current death penalties to penalties of deprivation of liberty; sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights; and that the draft constitution currently in progress include provisions on the abolition of the death penalty (Spain);**

72.9. **Immediately establish a de jure moratorium on capital executions, and commute all death sentences pronounced to date into penalties of deprivation of liberty with a view to abolishing the death penalty (Belgium);**

73. **All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Guinea was headed by S.E. M. Bakary Fofana, Ministre d'Etat, Chargé des Affaires Etrangères, de l'intégration Africaine et de la Francophonie, and was composed of 14 members:

- M. Siba Lohalamou, Ministre de la Justice, Garde des Sceaux;
- S.E. M. Mohamed Camara, Ambassadeur/Représentant permanent de la République de Guinée auprès de l'Office des Nations Unies et des autres Organisations internationales à Genève;
- M. Mohamed Aly Thiam, Membre du Conseil National de Transition, Conseiller Chargé de Mission au Ministère de la Justice, Garde des Sceaux;
- M. Elhadj Alpha Saliou Barry, Directeur National des affaires judiciaires au Ministère de la Justice, Garde des Sceaux;
- Mme Rougui Barry, Directrice Nationale des Droits de l'Homme, Ministère de la Justice ;
- M. Ousmane Diao Balde, Directeur des Affaires Juridiques et Consulaires au Ministère d'Etat, Chargé des Affaires Etrangères, de l'Intégration Africaine et de la francophonie;
- M. Arafan Kabinè Kaba, Conseiller Politique à la Mission permanente de la République de Guinée à Genève;
- M. Ousmane Diakite, Conseiller à la Mission permanente de la République de Guinée;
- M. Pierre Monlmou, Conseiller à la Mission permanente de la République de Guinée;
- M. Morgane Camara, Conseiller à la Mission permanente de la République de Guinée.
- Mme. Aminata Kourouma-Mikala, Premier secrétaire à la Mission permanente de la République de Guinée à Genève;
- M. Ibrahima Youla, Premier secrétaire à la Mission permanente de la République de Guinée;
- M. Ibrahima Kalil Toure, Chef Section études juridiques au Ministère d'Etat, Chargé des Affaires Etrangères, de l'Intégration Africaine et de la Francophonie ;
- M. Aboubacar Sidiki Camara, Juriste à la Division de la Promotion et de la Protection de la Femme, Ministère des Affaires Sociales.