



General Assembly

Distr.: General
15 September 2010
English
Original: French

Human Rights Council

Fifteenth session

Agenda item 6

Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Guinea

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

1. Guinea is pleased to be reviewed by its peers as part of the Universal Periodic Review (UPR).
2. At the May 2010 session, the Guinean delegation supported the idea that this innovative mechanism would contribute to the drive for greater rigour and efficiency within the United Nations system in promoting, protecting and guaranteeing human rights.
3. Guinea welcomed and has carefully examined the nine recommendations made by the Council in May on which it had reservations.
4. Guinea prepared for the UPR, and particularly its final phase, in the same spirit. As required by the texts that establish the Review procedure, broad consultations were held between the various administrative departments and civil society during the preparations, notably the drafting of the national report.
5. Thus, two consultative meetings were held:
 - A forum on 27 July to provide feedback to the administrative departments and civil society organizations
 - A workshop to draft a report reflecting the Government's position on the nine recommendations on which it had reservations; this brought together the inter-ministerial committee for drafting and follow-up of the national UPR report and civil society organizations

* The present document was not edited before being sent to the United Nations translation services.

6. It should be mentioned briefly that the recommendations refer, among others, to: submitting overdue reports to different treaty bodies as soon as possible; establishing a national human rights institution; developing a national action plan on the rights of the child and of women; drafting a national reconciliation and pardon strategy, together with a mechanism to combat impunity; acceding to certain international instruments, withdrawing reservations, reinforcing civilian control over the defence and security forces; promoting the culture of and training in human rights; reforming the judicial system; and improving governance and democracy.

7. This paper will give only the main points of Guinea's response to the recommendations on which it has reservations.

8. Before doing so, it would seem useful to mention a number of events that have occurred since Guinea's report was presented on 4 and 5 May 2010:

(a) The new Constitution has been promulgated, and acts establishing the electoral code, press freedom and the High Council for Communication have been adopted;

(b) The process of national reconciliation and pardon has been officially launched;

(c) A country office of the Office of the High Commissioner for Human Rights has been officially opened;

(d) The first round of the presidential election was held, as planned, on 27 June 2010. The second round, initially planned for 19 September, was postponed on the decision of the Independent National Electoral Commission for technical and logistic reasons.

9. Each of these events was used as an opportunity to hold human rights awareness-raising sessions.

10. Presentation and advisory sessions were used to inform citizens about the new Constitution, which includes a chapter with 22 articles on human rights. The information process is continuing with the help of bilateral and multilateral partners and the involvement of non-governmental organizations, some of which have translated the texts into the different national languages and transcribed them into the Nko alphabet.

11. The adoption of a new institutional act modifying the previous act on the press and audio-visual media represents a real break with the past. Its major feature is the partial decriminalization of offences against legislation on the press; journalists are now protected from arbitrary arrest and illegal detention. Imprisonment can no longer be imposed for such offences, and a fine is now the only possible penalty. The new act furthermore strengthens press freedom through the right of access to public information.

12. The preparation for and launching of the national reconciliation process provided an opportunity to explore and determine the causes of the social breakdown and the wounds to national unity.

13. Massive human rights violations and impunity were identified as the main and continual sources of latent conflicts that often degenerate into violent disturbances when political and social movements erupt.

14. The creation of a committee for national reconciliation is planned to address this. Its composition and mandate are already the subject of discussions between representatives of victims' associations and non-governmental organizations, the National Transition Council and the Government.

15. During the official launching ceremony for the national reconciliation process, the President, on behalf of his predecessors, apologized to the people of Guinea, and

particularly all those who had suffered, either physically or mentally, from abuses of power, physical and psychological violence and injustice.

16. He also called on them to seek out ways and means for reparation to be made for the damages suffered.

17. In respect of the 114 recommendations made to Guinea, it should be recalled that 105 were accepted during the session in May, while reservations were entered against 9.

18. The recommendations made by the Human Rights Council are actually of different types: implementation of some could begin in the short term, while others require coordination and decisions to be made by various government departments, as well as time frames to be drawn up and the budgetary effects to be addressed.

19. The nine recommendations on which the Guinean delegation entered reservations can be divided into three groups.

20. The first group, recommendations 72.1, 72.2, 72.6, 72.7, 72.8 and 72.9, concerns the abolition of, or introduction of a moratorium on, the death penalty. Guinea is asked to become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

21. If Guinea does not abolish the death penalty, the recommendation is that it should adopt a *de jure* moratorium. The Human Rights Council considers that the reason there have not been any executions in the country since 2002 is that Guinea is observing a *de facto* moratorium. The members of the Council therefore hope that Guinea will adopt legislation transforming the *de facto* moratorium into a *de jure* moratorium.

22. Guinea considers it premature to envisage a discussion on the abolition of the death penalty or the adoption of a *de jure* moratorium because of cultural and religious pressures that still have a decisive influence on the domestic situation, particularly during this transition period.

23. Another feature of the domestic situation is the reappearance of organized crime along with the proliferation of small weapons as a result of the rebellions in Guinea and its neighbouring countries over the past 10 years. Discussion of the matter should therefore be deferred until the country returns to normal constitutional life.

24. The Government will, however, observe the *de facto* moratorium as far as possible and, whenever individual cases and the situation so allow, ensure that sentences are commuted.

25. The second group of recommendations, 72.4 and 72.5, concerns the special procedures of the Human Rights Council. It is recommended that Guinea issue a standing invitation to all the special procedures.

26. Guinea is not against the spirit of these recommendations but considers it preferable, initially, to strengthen its collaboration with the country office of the Office of the High Commissioner for Human Rights in Conakry, which will help give an understanding of the special procedures and establish a basis in the country for their implementation.

27. The Government is already prepared to consider issuing invitations to the special procedures on a case-by-case basis.

28. The third group of recommendations, 72.2 and 72.3, concerns the signing and ratification of or accession to international human rights instruments.

29. Recommendation 72.2 is a list of the individual treaties by name, the first being the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on which Guinea has already given its opinion.

30. It should be noted that all the other treaties referred to in that recommendation are also mentioned in recommendation 71.2, which Guinea has already accepted.

31. Recommendation 72.3 asks Guinea to accede to the human rights conventions to which it is not yet a party. Guinea is already a party to most of the international and regional human rights instruments. As the recommendation is very general, it is difficult to give a specific response, and so it cannot be accepted in its current form, as a package.

32. Guinea considers the promotion and protection of human rights as a permanent challenge on which there can be neither rest nor respite. The combat on the ground must go on, with both vigilance and commitment, in the framework of an inclusive and participatory dialogue, and based on partnership with civil society organizations, to guarantee respect for all the rights of all, including through the unfailing protection of human rights defenders.

33. Accordingly, article 146 of Guinea's Constitution established the Independent National Human Rights Institution to serve, *inter alia*, as an effective mechanism to monitor implementation of the recommendations of the UPR and the human rights treaty bodies. The National Transition Council is currently drafting the Act establishing the Institution's composition, organization and functioning, on the basis of the Paris Principles.

34. During the preparation of the Review, it became clear that Guinea's cooperation with the United Nations on human rights could be improved as a result of the creation of the Independent National Human Rights Institution and the opening of the country office of the Office of the High Commissioner for Human Rights in Conakry. The Government has thus done the following:

(a) Established an inter-ministerial mechanism that will meet regularly, in conjunction with the Independent National Human Rights Institution, non-governmental organizations and the new country office of the Office of the High Commissioner for Human Rights in Conakry, to consider, among others, the follow-up to be given to the recommendations of the Human Rights Council and the treaty bodies;

(b) Drafted a national action plan for implementation of and follow-up to the recommendations.

35. Guinea will strive, with support from international cooperation, to increase and intensify its efforts to overcome problems wherever they exist, so that the principle of the universal, interdependent and indivisible nature of human rights may guide the operations of its public authorities and the behaviour of its citizens.

36. This viewpoint, shared by the international community, will be subscribed to by us all, both Government and representatives of civil society, notably to advance the system for the protection of human rights, which will always face new challenges.

37. It is in this spirit that Guinea has committed itself to promoting and defending human rights, including through the protection of human rights defenders. It is also, irreversibly, in this spirit that it will take part in the Universal Periodic Review and the work of the treaty bodies of the United Nations system and the African Union.
