



Ratification Kit

Guinea

Why is it important for Guinea to accede to the United Nations Protocol to abolish the death penalty?

Guinea abolished the death penalty in **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.

Acceding to 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.

Acceding to 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 accede to the Protocol?

Guinea demonstrated its commitment as regards the abolition of the death penalty by co-sponsoring and voting in favour of the **2016 United Nations General Assembly Resolution** for a moratorium on the use of the death penalty. This is the first time Guinea voted in favour of the resolution (which is adopted every two years), demonstrating the will of the country to accompany the worldwide trend towards the abolition of the death penalty.

Guinea participated to the second cycle of the **Universal Periodic Review in 2015**

and noted the recommendations to ratify the Second Optional Protocol to the ICCPR. The **Human Rights Council** would certainly welcome the ratification of the OP2 before the country's next review in January 2020.

The Committee Against Torture recommended Guinea to ratify the Second Optional Protocol to the ICCPR in its **2014** Concluding observations.

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

According to Article 7.3 of the Protocol, it "shall be open to accession 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 it is therefore competent to accede to this Protocol.

Among the obligations incumbent upon Guinea following accession to 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 accede** to the Protocol.

What are the legal obstacles to accession?

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

We therefore strongly encourage Guinea to accede to this Protocol as soon as possible.

How can accession to the Protocol be applied?

The Protocol shall come into force three months after the instruments of accession 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>