



## 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** after 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 (ICCPR)** 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 become party to 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 voting in favor of **two UN General Assembly resolutions for a moratorium on the use of the death penalty in 2016 and 2020**. In 2020, Guinea also cosponsored the resolution for the very first time.

Guinea participated in the second cycle of the **Universal Periodic Review in 2020** and accepted the recommendation to ratify the Second Optional Protocol to the International Covenant to Civil and Political,

aiming at the abolition of the death penalty. The **Human Rights Council** would inevitably commend Guinea if it ratified the Protocol.

In its Concluding Observations in **2014**, the **Committee Against Torture** recommended that Guinea ratify the Second Optional Protocol to the ICCPR.

In its Concluding Observations in **2018**, the **Human Rights Committee** also recommended that Guinea accede to the Second Optional Protocol to the 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 repealed the death penalty

from its Penal Code. It may consequently **unreservedly** ratify the Protocol.

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 was abolished in law.

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>*