



4 December 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Guinea and welcome the constructive engagement of your Government during the 35<sup>th</sup> session of the UPR Working Group in January 2020.

As the final outcome report on the review of Guinea has been recently adopted by the Human Rights Council at its 45<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Guinea – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 81 delegations and the presentation made and responses provided by the delegation of Guinea. I have also considered the actions taken by the Government of Guinea to implement the 180 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the continued efforts to strengthen the institutions responsible for the promotion and protection of human rights, including the Independent National Human Rights Institution, the Constitutional Court, the High Communications Authority, the National Ombudsman, and the Ministry of Citizenship and National Unity. In addition, the Government, with the support of its partners, has adopted and implemented many projects and programmes aimed at reducing poverty, promoting employment and boosting agricultural yields. I also commend Guinea for enacting a new Civil Code in 2019 and for removing the death penalty from the Criminal Code of 2016 and the Code of Military Justice of 2017.

However, persons who had been sentenced to death prior to those legislative changes have not yet had their sentences commuted. Despite the notable efforts made by the Government to reform the justice and security sectors, impunity remains a major challenge. The case relating to the events of 28 September 2009 remains pending before the courts. Despite the notable progress made in the investigations, the victims are yet to obtain justice. Subsequent cases of violence involving security forces are not promptly investigated in accordance with Guinea obligations under international human rights law.

I am also concerned that inequalities and discrimination against women persist in the area of family relations, particularly with regard to inheritance, choice of residence, custody of children, freedom to work, repudiation, adultery and polygamy. Additional steps need to be taken to increase the representation of women in decision-making organs, including enforcing the law on gender parity in elective positions adopted in May 2019.

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His Excellency  
Mr. Mamadi TOURE  
Minister for Foreign Affairs and Guineans Abroad  
Republic of Guinea



I encourage Guinea to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Guinea to continue to strengthen the inter-ministerial committee for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Guinea to consider submitting a mid-term report on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Guinea in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: His Excellency  
Mr. Mamadou Taran DIALLO  
Minister of Citizenship and National Unity  
Republic of Guinea

Mr. Vincent MARTIN  
United Nations Resident Coordinator  
Republic of Guinea

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- Responding to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, regarding their requests to visit the country.

### **National human rights framework**

- Amending the law governing the national human rights institution in order to ensure compliance with the Paris Principles and considering applying for accreditation with the Sub-Committee of the Global Alliance of National Human Rights Institutions.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Promulgating the law on the promotion and protection of the rights of persons with albinism; adopting implementing regulations for the law; and establishing policies and strategies to ensure the dignity, empowerment and participation of persons with albinism.
- Continuing the policy of eliminating inequalities between men and women, by taking the necessary measures to ensure the participation of women in political, economic and social life.

##### *Development, the environment, and business and human rights*

- Ensuring public participation and holding genuine consultations with local communities before concluding contracts related to natural resource management or to projects that had a social and environmental impact in order to obtain their free, prior and informed consent.
- Establishing, implementing and monitoring regulations to ensure that the mining sector complies with international and national human rights, labour, environmental, health and other standards, particularly with regard to children's rights, and applying appropriate sanctions and providing remedies for any violations found.

##### *Human rights and counter-terrorism*

- Bringing legislation, including the Criminal Code, the 2016 Law on Cybersecurity and the 2019 Law on the Prevention and Repression of Terrorism, in line with international



and regional human rights standards, and removing any restrictions that hinder civil society organizations and journalists in doing their legitimate work.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Ensuring that the sentences of persons who remain under sentence of death are commuted without delay.
- Updating the legislative framework to ensure that the acts described in article 232 (2) of the Criminal Code, such as electric shocks or burns, are categorized as torture and are subject to specific penalties that are commensurate with the seriousness of such acts.
- Establishing an independent national mechanism for the prevention of torture to investigate all allegations of torture or cruel, inhuman or degrading treatment.

### *Administration of justice, including impunity, and the rule of law*

- Expediting the conduct of investigations and trials and the imposition of penalties in relation to past human rights violations, in particular those that have taken place on 28 September 2009, and ensure that all victims receive reparation for the violations suffered.
- Adopting the draft law on the establishment of the truth, justice and reconciliation commission transmitted to the Government in 2017.
- Ensuring that perpetrators of gender-based violence, including female genital mutilation, early or forced marriage and rape, are systematically brought to justice in fair trials.

### *Fundamental freedoms and the right to participate in public and political life*

- Safeguarding the right to freedom of assembly and expression in law and practice.
- Amending the law on maintaining public order and the law on the use of force by the gendarmerie to bring them into line with the international human rights standards.
- Guaranteeing the constitutional right of every citizen to participation in public affairs and in peaceful demonstration.

### *Prohibition of all forms of slavery*

- Promptly, effectively and impartially investigating, prosecuting and punishing all acts of trafficking in persons, human smuggling and other related offences, and dealing expeditiously with cases filed against traffickers and human smugglers.

## **C. Economic, social and cultural rights**

### *Right to social security*

- Strengthening the application of poverty reduction strategies, with a particular focus on children, increasing coordination among the ministries responsible for the implementation of the policy to combat poverty and facilitating access to social protection programmes for vulnerable children.



### *Right to an adequate standard of living*

- Continuing efforts to reduce poverty, in particular in rural and underdeveloped areas.
- Making malnutrition prevention part of the political agenda, implementing high-impact interventions to reduce chronic malnutrition, ensuring the availability of water points and latrines at all health-care facilities, schools and community childcare centres, and carrying out a review of the water, hygiene and sanitation sector.

### *Right to health*

- Improving women's access to sexual and obstetric health-care services in order to prevent and combat maternal mortality.
- Ensuring the effective provision of free maternity delivery services, setting up a national social protection policy and strengthening inspections of health-care facilities.

### *Right to education*

- Taking necessary measures to guarantee girls and boys equal access to education.
- Guaranteeing free basic education and promoting policies to ensure that all children, including children with albinism and children with disabilities, are included and given means to stay in schools, especially in rural areas.
- Continuing ongoing measures under the Education for All programme to ensure access to quality education by children of different socioeconomic backgrounds and abilities.

## **D. Rights of specific persons or groups**

### *Women*

- Preventing and combating all forms of violence against women, including by criminalizing marital rape.
- Ensuring that all cases involving forced marriage, early marriage and female genital mutilation and other practices harmful to women are thoroughly investigated, that those suspected of responsibility for such acts are prosecuted and, if found guilty, sentenced to appropriate penalties, and that victims receive reparation.
- Taking further steps to ensure that women are not discriminated against in law or in practice and to increase women's participation in public life.

### *Children*

- Imposing appropriate penalties on the perpetrators of the sexual exploitation of children in travel and tourism.

### *Persons with disabilities*

- Adopting the implementing texts of the law on the promotion and protection of the rights of people with disabilities, and putting in place a national policy and a specific strategy that promotes the autonomy of persons with disabilities.



*Migrants, refugees and asylum seekers*

- Repealing article 73 of Law No. L/94/019/CTRN to decriminalize irregular migration and to ban the detention of children who are asylum seekers, refugees and migrants.
- Facilitating access by Guinean migrant workers residing abroad to consular and diplomatic assistance from the State, particularly in cases of detention or expulsion.