

Guinea

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 25 February 2013



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/guinea>

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

7 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. No domestic NHRI does exist.

1 NGO responded to our enquiry. The UN agency did not respond. The State under Review did not respond to our enquiry either.

IRI: 2 recommendations are not implemented, 2 recommendations are partially implemented, and 0 recommendation is fully implemented. No answer was received for 109 out of 115 recommendations and voluntary pledges.



2. Feedbacks on recommendations

CP Rights

Recommendation n°111: *Continue to adhere to the stipulations of the Ouagadougou Agreement and to its commitment to support and start elections on 27 June 2010 (Recommended by United States)*

IRI: *not implemented*

CODDH response:

Ici, il s'agit des élections présidentielles de juin 2010 tenue aux dates indiquées et qui devait aboutir à la tenue de toutes les élections afin d'achever la transition. Mais depuis la prise du pouvoir par le président élu, nous sommes toujours dans le non achèvement de la transition (les élections législatives restent toujours incertaines même si une nouvelle date a été fixé au 12 mai 2013 à la suite de la mise en place d'une nouvelle CENI (Commission Electorale Nationale Indépendante))

International Instruments

Recommendation n°109: *Sign and ratify the Optional Protocol to the Convention Against Torture (Recommended by United Kingdom)*

IRI: -

CODDH response:

Insuffisances malgré une nouvelle constitution, un vide existe toujours à ce niveau

Justice

Recommendation n°11: *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 (Recommended by Belgium)*

IRI: -

CODDH response:

La récente condamnation d'un militaire auteur de torture à 15 ans de prison au cours de la cour d'assise tenue en janvier 2013.



Recommendation n°13: *Implement, as soon as possible, the recommendations of the international commission of inquiry concerning the events of 28 September 2009 (Recommended by Brazil)*

IRI: *partially implemented*

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Recommendation n°105: *Bring those State agents who have committed human rights violations, particularly those named in the United Nations Commission of Inquiry report, to justice (Recommended by United Kingdom)*

IRI: *partially implemented*

CODDH response:

- La nomination de 3 juges chargé d'enquêter sur les événements du 28 septembre. Nous avons à ce jour 350 personnes entendues, 6 personnes inculpées dans le dossier dont deux figurant sur la liste des personnes soupçonnées d'avoir commis ce crime le 28 septembre 2009. La question des disparus n'a pas pour le moment fait l'objet d'enquête spécifique ou des recherches des fosses communes de la part de l'État. Guinéen.
 - L'ouverture du bureau du Haut Commissariat des Nations Unies sur les droits de l'Homme en Mai 2010 avec un personnel expatrié et local.
 - Le lancement du processus de réforme des forces de défense et de sécurité. La mise à la retraite de plus de 3000 militaires une première en Guinée. La gendarmerie a été érigé en haut commandement dont elle dépende directement du Ministère de la justice. L'obtention du statut particulier de la police.
 - Le lancement des états généraux de la justice.
 - La création d'un ministère chargé des droits de l'homme.
- La mise en place d'une Commission provisoire de réflexion sur la réconciliation nationale.

Recommendation n°106: *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 (Recommended by United Kingdom)*

IRI: *not implemented*

CODDH response:

A ce niveau, nous dirons à l'heure actuelle aucune disposition particulière n'est prise en ce sens car les exactions par les Forces de sécurité continuent des plus belle. La torture, les traitements inhumains et les violations des droits de l'homme sont des moyens de recours les plus pratique que ces derniers utilisent pour imposer leur force. C'est le cas par exemple des :

1. Violation des droits de propriété des citoyens de Saoro par la Société agroindustrielle (SOGUIPAH)
 - Cas illustrant: Tentative d'assassinat d'André MALOMOU, ex Président du district
2. Les massacres de Zogota : Violation du droits à la vie (bilan 6 morts)
 - Violation du droit à l'intégrité physique (Nombreux cas de blessé)
 - Violation du droit à la liberté (22 personnes détenues arbitrairement)
 - Violation du droit à la propriété (de nombreux cas de vandalisme)
3. Les évènements de Lola
 - Violation du droit à la vie (1 mort)
 - Violation du droit à l'intégrité physique (2 personnes fracturées des suites de bastonnade)



- Violation du droit à la liberté (5 personnes dont une femme allaitante détenues arbitrairement)

Violences perpétrées par les Forces de l'ordre à l'encontre des élèves du Complexe scolaire de Hoggo M'Bouro (Labé);

Répression policière contre les Conducteurs de Taxi- motos à Labé ;

Viol de femmes par des Forces de Défense et de Sécurité pendant l'élection présidentielle 2010 à Labé et Mali.

Violences perpétrées contre les jeunes et les femmes pendant et après l'élection présidentielle 2010 à Labé.

Assassinat d'un chauffeur de Taxi à Mamou

Pour ne citer que ceux là...



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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