



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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18 May 2007

### GIN102477.E

Guinea: Treatment of homosexuals by society and government authorities; recourse to the law and protection available to homosexuals who have been subject to ill treatment (2005 - March 2007)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

*Country Reports on Human Rights Practices for 2006* states that Guinea has "no discriminatory laws based on sexual orientation" (US 6 Mar. 2007, Sec. 5). However, various other sources report that homosexuality is illegal in Guinea (AI 2004; BTM n.d.a; IGLHRC n.d.; World Bank Mar. 2004, 17). In particular, the International Lesbian and Gay Association (ILGA) quotes the following Guinean Penal Code articles that prohibit homosexuality:

[English translation provided by ILGA]

#### "Article 325

Any indecent act or act against nature committed with an individual of the same sex will be punished by six months to three years of imprisonment and a fine of 100 000 to 1 000 000 Guinean francs [1 Guinean franc (GNF) is approximately equal to 0.0002 CAD (XE.com 19 Mar. 2007)].

If the act was committed with a minor under 21 years of age, the maximum penalty must be pronounced.

If the act was consummated or attempted with violence, the guilty person will be condemned to five to ten years of imprisonment.

#### Article 326

A public indecency is defined as any intentional act committed publicly and likely to offend the decency and the moral sentiments of those who are its inadvertent witnesses.

#### Article 327

Any person that has committed a public indecency will be punished by three months to two years of imprisonment and a fine of 50 000 to 450 000 Guinean francs or simply by one of these two punishments.

When an indecent act is committed by a group of individuals, the penalties described in the first paragraph of the current article will be doubled" (ILGA 31 July 2000).

The International Labour Organization (ILO) and Women in Law and Development in Africa (WiLDAF) indicate that an amended Guinean penal code was adopted in 1998 (UN n.d.; WiLDAF 17 Mar. 2004). It was not possible to ascertain, from the sources consulted by the Research Directorate, whether the articles quoted above are taken from this 1998 penal code. ILGA does not indicate when the Penal Code it quotes was adopted (31 July 2000). However, a book on homophobia published in 2004 by Amnesty International (AI) and based largely on non-AI sources corroborates that the maximum sentence for engaging in homosexual acts in Guinea is a fine or three years in prison (2004).

The following information may be useful for contextualizing the fines noted above. The Guinean Franc (GNF) "depreciated sharply" in 2006 (US 15 Mar. 2007). Moreover, the economy in Guinea is characterized by "desperately low wages and soaring prices," with most people living on less than US 1.00 a day, according to an article published by the news service of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) (3 Mar. 2006).

No mention of any case in which the punishments outlined in the Penal Code had been applied could be found among the sources consulted by the Research Directorate. Furthermore, *Country Reports* indicates that there are no "official reports" of discrimination against homosexuals (US 6 Mar. 2007 Sec. 5).

Information was scarce on the treatment of homosexuals by government authorities and Guinean society among sources consulted by the Research Directorate. However, according to a working paper published by the World Bank, homosexuals in Guinea are "sometimes the victims of severe hate crimes" (Mar. 2004, 17). The working paper, which focuses on gender issues as they pertain to HIV/AIDS projects in Africa, further states that, in Guinea, "fear and stigma" are associated with homosexuality (World Bank Mar. 2004, 17). Similarly, *Country Reports* indicates there are "deep social, religious and cultural taboos" against homosexuality in Guinea (US 6 Mar. 2007 Sec. 5).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

Amnesty International (AI). 2004. Vanessa Baird. "National Legislation Around the World on Homosexual Acts." *Sex, Love & Homophobia*. <[http://www.amnestyinternational.be/doc/IMG/pdf/Legislation\\_LGBT\\_2004.pdf](http://www.amnestyinternational.be/doc/IMG/pdf/Legislation_LGBT_2004.pdf)> [Accessed 12 Mar. 2007]

Behind the Mask (BTM) [Johannesburg]. N.d.a "About Guinea." <<http://www.mask.org.za/index.php?page=guinea>> [Accessed 12 Mar. 2007]

\_\_\_\_\_. N.d.b "Who We Are." <<http://www.mask.org.za/index.php?>

page=whoweare> [Accessed 19 Mar. 2007]

The International Lesbian and Gay Association. 31 July 2000. "Country: Guinea." *World Legal Survey*. <[http://www.ilga.info/Information/Legal\\_survey/africa/guinea.htm](http://www.ilga.info/Information/Legal_survey/africa/guinea.htm)> [Accessed 18 May 2007]

International Gay and Lesbian Human Rights Commission (IGLHRC). N.d. *Where Having Sex is a Crime: Criminalization and Decriminalization of Homosexual Acts (2003)*. <<http://www.iglhrc.org/site/iglhrc/content.php?type=1&id=77#Introduction>> [Accessed 12 Mar. 2007]

United Nations (UN). 3 March 2006. Office for the Coordination of Humanitarian Affairs (OCHA). Integrated Regional Information Networks (IRIN). "Guinea: Grinding Poverty Drives Unprecedented General Strike." <<http://www.irinnews.org/report.aspx?reportid=58318>> [Accessed 19 Mar. 2007]

\_\_\_\_\_. International Labour Organization (ILO). N.d. Natlex Search Results. <[http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_country=GIN&p\\_classification=01&p\\_origin=SUBJECT=>](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=GIN&p_classification=01&p_origin=SUBJECT=>)> [Accessed 22 May 2007]

United States (US). 15 March 2007. Central Intelligence Agency. "Guinea." *The World Factbook*. <<https://www.cia.gov/cia/publications/factbook/print/gv.html>> [Accessed 19 Mar. 2007]

\_\_\_\_\_. 6 March 2007. "Guinea." *Country Reports on Human Rights Practices for 2006*. <<http://www.state.gov/g/drl/rls/hrrpt/2006/78738.htm>> [Accessed 12 Mar. 2007]

World Bank March 2004. Daniela P. Ligiéro and Kees Kostermans. *Integration of Gender Issues in Selected HIV/AIDS Projects in the Africa Region: A Baseline Assessment*. <<http://www.worldbank.org/afr/aids/gom/submanuals/12%20Gender%20HIV-AIDS.pdf>> [Accessed 12 Mar. 2007]

Women in Law and Development in Africa (WiLDAF). 17 March 2004. "Situation des droits des femmes en république de Guinée." <[http://www.wildaf-ao.org/fr/print.php3?id\\_article=44](http://www.wildaf-ao.org/fr/print.php3?id_article=44)> [Accessed 22 May 2007]

XE.com. 19 March 2007. "Universal Currency Converter." <<http://www.xe.com/ucc/convert.cgi>> [Accessed 19 March 2007]

#### Additional Sources Consulted

**Oral Source:** A representative of the International Gay and Lesbian Human Rights Commission (IGLHRC) with a specialization in Africa did not provide information to the Research Directorate within the time constraints of this Response.

**Internet sites, including:** *The Advocate*, The African Centre for Democracy and Human Rights Studies, AllAfrica.com, British Broadcasting Corporation (BBC), Columbia University Law School, Droit Francophone, Freedom House, *Gay Times*,

GlobalLex, Government of Guinea, *The Gully*, The Human Rights Databank, Human Rights Watch, Norwegian Council for Africa, One World, Population Council, Sodomy Laws, World Law Guide, World Legal Information Institute.

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