



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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29 September 2003

### GIN42011.FE

Guinea: Update to GIN33767.E of 29 February 2000 on the treatment of homosexuals by Guinean society; government protection available to them; government policy and attitude regarding homosexuals  
Research Directorate, Immigration and Refugee Board, Ottawa

In addition to the information provided in GIN33767.E of 29 February 2000, the International Lesbian and Gay Association (ILGA) indicated that sexual relations between members of the same sex are illegal in Guinea (9 Sept. 1999). Behind the Mask, a Website on gay and lesbian affairs in Africa, added that homosexuality is prohibited by the following articles of the Guinean Penal Code:

[Behind the Mask English version]

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 [that is, US\$51 to US\$510 (*West Africa* 7-13 July 2003)].

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 (Behind the Mask n.d.).

Public indecency is also punishable under the following articles of the Penal Code:

[Behind the Mask English version]

Article 326: A[n act of] 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[n act of] public indecency will be punished by three months to two years of imprisonment and a fine of 50,000 to 450,000 Guinean francs [that is, US\$25.50 to US\$229.60 (*West Africa* 7-13 July 2003)] 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 (*ibid.*).

No mention of any case in which these punishments had been applied and no information on the treatment of homosexuals by Guinean society could be found among the sources consulted by the Research Directorate.

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 to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

### References

Behind the Mask. n.d. "Legal Status of Homosexuality in Africa."  
<[http://www.mask.org.za/SECTIONS/AfricaPerCountry/ABC/guinea/guinea\\_French1.htm](http://www.mask.org.za/SECTIONS/AfricaPerCountry/ABC/guinea/guinea_French1.htm)> [Accessed 22 Sept. 2003]

International Lesbian and Gay Association (ILGA). 9 September 1999. "Guinée." *World Legal Survey*  
<[http://www.ilga.org/information/legal\\_survey/africa/guinea.htm](http://www.ilga.org/information/legal_survey/africa/guinea.htm)> [Accessed 26 Sept. 2003]

*West Africa* [London]. 7-13 July 2003. "African Currency Table."

### Additional Sources Consulted

*Africa Research Bulletin: Political, Cultural and Social Series*

Afrique/Asie

Amnesty International. Annual Reports

*L'Autre Afrique*

Keesing's Record of World Events

New African

Resource Centre country file. Guinea

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